



125

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41229-2024**Date of decision : 28.08.2024****Lal Singh @ Bobby****.....Petitioner****versus****State of Punjab and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Naveen Bawa, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 14.02.2023 (wrongly mentioned date as 14.12.2023) passed by the Court of learned, Judicial Magistrate Ist Class, Ludhiana in FIR No.96 dated 07.06.2019 under Sections 323, 341, 506, 148 and 149 IPC registered at Police Station Agricultural University (PAU), District Ludhiana, without considering the actual facts and circumstances of the case and further without considering the mandatory provisions envisaged under Section 82 of Cr.P.C. and the parties have also settled their dispute vide compromise deed dated 17.11.2023. Further prayer has been made for staying the operation of the impugned order dated 14.02.2023 (wrongly mentioned date as 14.12.2023) passed by the Court of learned, Judicial Magistrate Ist Class, Ludhiana.

2. At the outset, learned counsel for the petitioner submits that both the sides have amicably resolved the issue by way of compromise and the petition for quashing of FIR is also pending consideration before



this Court. It is submitted that the proclamation was issued in violation of the statutory provisions of Section 82 Cr.P.C. and thus, in the facts and circumstances the same deserves to be quashed.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 14.02.2023 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that vide order dated 14.02.2023 (wrongly mentioned date as 14.12.2023), petitioner was declared as proclaimed person. As the matter has been settled between the parties and no useful purpose will be served by keeping the order dated 14.02.2023 alive and sending the petitioner to face the consequences of the said order especially when the matter has been settled between the parties. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 14.02.2023 (wrongly mentioned date as 14.12.2023) is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 14.02.2023 (wrongly mentioned date as 14.12.2023) would automatically come in force and the present petition will be deemed to have been dismissed.
8. Disposed of in above terms.

28.08.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No