

2024:PHHC:113452



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-42432-2024 (O&M)
Date of decision: 02.09.2024

Vishal Batra ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kulwinder Singh Dhillon, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of order of proclamation dated 15.07.2024 (Annexure P-9), passed by the learned Judge, Special Court, Kapurthala in case titled as ***State of Punjab vs. Vishal Batra and others***, arising out of FIR No. 131 dated 10.03.2015, registered under Section 135 of the Electricity Act, 2003 at Police Station Anti Power Theft, Jalandhar, whereby proclamation proceedings under Section 82 of Cr.P.C. have been initiated against him.
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of bail and was regularly attending the court proceedings. However, he could not appear before the trial Court on 16.09.2022 on account of noting down the date as 16.10.2022, consequent to which, his bail had been cancelled and non-bailable warrants had been issued against him, vide order dated 16.09.2022. Since the warrants issued against the petitioner were received back unserved, proclamation

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proceedings have been issued against him by passing the impugned order. Learned counsel further submits that the petitioner was never served with the warrants issued against him and is ready to surrender before the trial Court and apply for grant of fresh bail.

3. Learned State counsel, who has advance notice of the petition, has not disputed the fact that this is the first default on the part of the petitioner and has no serious objection to the prayer made by the petitioner.

4. After hearing learned counsel for the parties and considering the fact that the petitioner is ready to appear before the trial Court, which would obviously help in speedy conclusion of trial, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within a period of 10 days from today and on doing so, he shall be released by the trial Court on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction and further on the condition that he shall remain present before the Court concerned during trial and also comply with the conditions enumerated under Section 437(3) of Cr.P.C.

5. Till the time, the petitioner appears before the trial Court, his arrest shall remain stayed.

6. However, this relief will be subject to the condition that the petitioner will deposit a cost of Rs. 20,000/- with the District Legal Services Authority, Jalandhar. Presentation of the receipt regarding payment of this cost shall be a pre-requisite for the trial Court to enlarge the petitioner on bail.

7. Let a copy of this order be sent to the trial Court for necessary

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compliance.

02.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No