



CRM-M-41209-2024

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

CRM-M-41209-2024

Date of Decision: August 23, 2024

Satnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Amandeep Chhabra, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for setting aside the impugned order, dated 22.04.2024, Annexure P-7, passed by learned Judicial Magistrate Ist Class, Bathinda, in case bearing No.CHI/63/2018 arising out of FIR No.194, dated 18.09.2017, under Sections 420, 465, 467, 468, 471 IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda, Punjab, Annexure P-1, vide which petitioner has been declared a proclaimed person and thereby warrant of arrest against him has been issued, on account of his non-appearance, alongwith all subsequent/incidental proceedings arising therefrom. It is further prayed to stay the operation of impugned order, dated 22.04.2024, Annexure P-7, and thereby allowing the petitioner to appear before the trial Court, Batala, District Gurdaspur, so as to enable the petitioner to join the proceedings in aforementioned FIR, during pendency of the present petition.



Learned counsel for the petitioner has submitted that the petitioner was on bail in the above-mentioned FIR and he was regularly appearing before the Court. He further submits that dispute was with regard to Rs.5.00 lacs, which he borrowed from the complainant and now the matter has been compromised. Compromise deed, dated 17.07.2023, has also been placed on record as Annexure P-4. It is further submitted that as stated above, he was regularly appearing before the Court, however, on 22.09.2023, 28.11.2023, 04.01.2024 and 22.04.2024 neither he nor his counsel appeared before the trial Court and hence he was declared as proclaimed person vide impugned order dated 22.04.2024. He submits that as the matter has been compromised, hence impugned order, dated 22.04.2024 deserves to be set aside. It is further submitted that petitioner is ready to join the proceedings.

Notice of motion to official respondent only.

On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Heard.

After hearing learned counsel for the parties, it is apparent that the petitioner could not appear before the trial Court on above-said four dates because of which he was ultimately declared as proclaimed person on 22.04.2024. Although no plausible explanation has been given by the petitioner for his non-appearance, however, as he is willing to appear before the trial Court as the matter has been compromised, hence, keeping in view all these facts in mind, this Court deems it appropriate to dispose of the

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of Rs.10,000/- to be paid to the complainant. Ordered accordingly.

In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today alongwith costs and files an application for bail, the Court concerned would admit him to bail subject to its satisfaction. He will have protection from arrest for a period of 10 days from today. After deposit of the amount by the petitioner in the trial Court, the Court will issue notice to the complainant and on his appearance the amount of cost will be released to him forthwith. 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 22.04.2024 would come in force.

August 23, 2024

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(RAJESH BHARDWAJ)**JUDGE****1. Whether speaking/reasoned ?****Yes/No****2. Whether reportable ?****Yes/No**