

CRM-M-44142-2023
Date of Decision : 19-04-2024

BALJIT SINGH **Petitioner**

Versus

STATE OF PUNJAB **Respondent**

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. J.S. Arora, DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion, following order was passed:-

“CRM-38824-2023

This is an application for placing on record order dated 24.07.2017 (Annexure P-8) and report dated 20.11.2017 (Annexure P-9).

For the reasons mentioned in the application supported by affidavit, the same is allowed. Annexures P-8 and P-9 are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-44142-2023

Learned counsel for the petitionr has confined his prayer in the present petition to the challenge to order dated 21.12.2017 (Annexure P-6) whereby petitioner was declared proclaimed person in case FIR No.305 dated 16.11.2013 under Sections 120-B, 336, 427 IPC, 1860 (Sections 419, 420, 467, 468 and 471 of IPC and Section 12 of Indian Passport Act, 1967 added later on in first charge sheet but subsequently offence under Section 419, 420, 467, 468, 471 of IPC 1860 and Section 25 of the

Arms Act, 1959 was deleted registered at Police State Civil Lines, District Patiala.

Learned counsel for the petitioner inter alia submits that the proclamation is not as per the mandate of Section 82 Cr.P.C. He refers to report dated 20.11.2017 (Annexure P-9) to argue that compliance of procedure prescribed under Section 82(2)(i)(a) Cr.P.C. has not been made, which is mandatory. Thus, he prays that impugned order be set aside. He further submits that the petitioner was granted the concession of anticipatory bail by this Court and the petitioner is regretful having absented from the proceedings, compelled by the then circumstances beyond his control. The petitioner has approached the Court on his own violation. He is ready to join the proceedings once again and face trial. The petitioner volunteers to deposit a sum of Rs.1 lakh for any social cause to benefit the society at large, to demonstrate his bonafides.

Notice of motion returnable for 30.11.2023.

Mr. Saurabh Godara, Addl. A.G. Punjab, accepts notice on behalf of respondent-State and waives service. He prays for time to have instructions and argue the case.

In the meantime, petitioner is directed to deposit an amount of Rs.1,00,000/- as costs {Rs.50,000/- with 'Poor Patient Welfare Fund', PGIMER, Chandigarh, (<https://pgimer.edu.in/>) and Rs.50,000/- with 'Rotary and Blook Bank Society Resource Centre', Dakshin Marg, Sector 37-A, Chandigarh, (<https://rbbsrc.in/>)}, and surrender before the trial Court concerned within a period of 15 days from today. In case the petitioner surrenders before the trial Court and moves an appropriate application for bail along with receipt of the above said costs, he be enlarged on interim bail subject to his furnishing bail-bond and surety to the satisfaction of the trial Court.

To enable the petitioner to put in appearance before the Court below, his arrest pursuant to the impugned proceedings shall remain stayed till 07.10.2023.

Needless to observe that in case the petitioner fails to comply with the abovesaid direction, the protection granted herein shall cease to exist."

2. Today, counsel for the petitioner has produced order dated 30.09.2023 passed by Ld. Judicial Magistrate, 1st Class whereby the petitioner stands admitted to bail.
4. In view of the above, the Court finds that impugned order dated 21.12.2017 (Annexure P-6) whereby the petitioner was declared as proclaimed person has lost its sting.

5. Order dated 21.09.2023 is made absolute. No further order is warranted.
6. Petition stands disposed off.

19-04-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No