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

CRM-M-450783-2023

Date of Decision: 24.07.2024

SANDEEP SINGH @ SIPA

... Petitioner

Versus

THE STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab..

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 14.07.2023 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Jagraon, District Ludhiana vide which the petitioner has been declared as proclaimed person in case FIR No.84 dated 11.04.2017 (Annexure P-1) registered under Sections 279 and 427 IPC at P.S. City Jagraon, District Ludhiana Rural.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 11.09.2023 passed by this Court, petitioner has already appeared before the learned trial Court on 15.09.2023 and furnished requisite bail bonds and surety bonds and placed on record copy of order dated 15.09.2023 passed by learned Sub Divisional Judicial Magistrate, Jagraon to this effect. He contends that since the petitioner has joined the trial Court proceedings and has been regularly appearing in the learned Trial Court, as such, the order dated 14.07.2023 (Annexure P-5) passed by learned Sub



Divisional Judicial Magistrate, Jagraon, whereby the petitioner was declared as proclaimed person, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 15.09.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 11.09.2023:-

“ The present petition under Section 482 Cr.P.C. has been preferred seeking quashing of the order dated 14.07.2023 (Annexure P-5) passed by the Judicial Magistrate Ist Class, Jagraon, District Ludhiana, vide which the petitioner has been declared as proclaimed person in case FIR No.84 dated 11.04.2017 under Sections 279, 427 of IPC, registered at P.S. City Jagraon, District Ludhiana Rural.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner had been regularly appearing in the case titled ‘State Versus Sandeep Singh’ bearing FIR No.84 dated 11.04.2017 under Sections 279, 427 of IPC, registered at P.S. City Jagraon, District Ludhiana Rural. However, having been arrested in some other case, he could not appear in the case on 26.11.2020. He has referred to the interim orders passed by the concerned Court to show that the summons were ordered to be issued but the same were not issued by the concerned Clerk on numerous dates. However, he was declared as proclaimed person vide order dated 14.07.2023 (Annexure P-5) without there being any intimation to the petitioner. Learned counsel for the petitioner further submits that the impugned order is, therefore, liable to be quashed as no such notice was ever received by the petitioner.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

5. In the meanwhile, the petitioner is directed to appear in the trial Court within seven days from today and in the event of the arrest of the petitioner, he shall be released on interim bail



on his furnishing personal/surety bonds to the satisfaction of the concerned Court subject to conditions envisaged under Section 438(2) Cr.P.C.
6. *Adjourned to 28.09.2023.*

6. Keeping in view the fact that the petitioner has already appeared on 15.09.2023 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 11.09.2023, passed by this Court, the present petition is allowed and order dated 14.07.2023 (Annexure P-5), passed by learned Sub Divisional Judicial Magistrate, Jagraon, whereby the petitioner was declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 11.09.2023 is hereby confirmed.

7. The Petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.07.2024
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i)	Whether speaking/reasoned?	Yes
ii)	Whether reportable?	Yes