



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

340

**CRM-M-46086-2023 (O&M)
Date of Decision:- 07.08.2024**

TARSEM SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Inderpal Singh, Advocate for
Ms. Puja Chopra, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 25.11.2022 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Patiala whereby the petitioner was declared as proclaimed person in a complaint case bearing No.COMA/4898/2018 dated 20.09.2018 titled as 'HDFC Bank Limited Vs. Tarsem Singh etc.'

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 03.10.2023 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 06.10.2023, whereby the petitioner has been admitted on interim bail by the learned trial Court. He has further



intimated that the complaint itself has been withdrawn by the complainant vide order dated 02.04.2024.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 03.10.2023, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that due to the petitioner having suffered injuries in an accident, he could not appear in the trial Court leading to cancellation of his bail bonds. She submits that the petitioner did not receive any notice qua his proclamation and the learned trial Court has declared him as Proclaimed Person in the case without following the procedure laid down under Section 82 CrPC. She submits that the absence of the petitioner was not intentional but due to the reason that he had met with an accident.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG Punjab accepts notice on behalf of respondent-State.

5. Notice to respondent No.2 be issued for 19.10.2023.

6. In the meanwhile, petitioner is directed to surrender before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek exemption from the Court in accordance with law. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 03.10.2023 passed by this Court, the present petition is allowed.

The order dated 25.11.2022 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Patiala is set aside and the interim bail granted vide order dated 03.10.2023 is hereby confirmed.

7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)

JUDGE

07.08.2024

S.Sharma(syr)

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No