



CRM-M-45135-2024

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

CRM-M-45135-2024

Date of Decision: 11.09.2024

Akashdeep Singh @ Akash

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harmanpreet Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 20.01.2024 passed by learned Additional Chief Judicial Magistrate, Amritsar, in CHA No.1606 of 2021 titled as State of Punjab vs. Gora Singh @ Mota ensuing from FIR No.121 dated 14.05.2019 under Section 25 of the Arms Act, 1959 and under Sections 148 & 149 IPC, registered as Police Station Sadar Amritsar, District Police Commissionerate, whereby the petitioner has been illegally declared as proclaimed person violating the mandate of under Section 82 Cr.P.C.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was granted regular bail by the trial Court vide order dated 23.05.2019 and thereafter, the case was being adjourned due to Covid-19. He submits that on 06.04.2022, the petitioner was in judicial custody in some other case and thereafter, he was produced in Court on 28.02.2023 on production warrants. He further submits that on 08.06.2023 due to his non-appearance before the Court, his bail was cancelled and his bail bonds and surety bonds were forfeited to the State and he was



summoned through non-bailable warrants. He further submits that on 20.01.2024 without executing of warrants against the petitioner, he was declared as proclaimed person in violation of Section 82 Cr.P.C. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by the Court, while allowing him to join the proceedings.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has submitted that the petitioner was rightly declared as proclaimed person by the trial Court as he had failed to appear before the Court without any reasonable cause and thus, the present petition is liable to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that petitioner was declared as proclaimed person on 20.01.2024 due to his non-appearance before the trial Court. However, now the petitioner is keen to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 20.01.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid to the Medical Officer, Civil Dispensary, Punjab and Haryana High Court, Chandigarh within a period of seven days from today. The amount of costs shall be utilized for purchasing of a 'Theragun' by the said Medical Officer

which shall be used for the treatment of general public coming in this High Court.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith the receipt of costs of Rs.10,000/- and the trial Court would grant him bail during the proceedings of the trial of the present case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force.

9. Petition stands disposed of in abovesaid terms.

11.09.2024
sharmila

	(RAJESH BHARDWAJ)
	JUDGE
Whether Speaking/Reasoned	: Yes/No
Whether Reportable	: Yes/No