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**Sr. No.125**

**Decided On : September 16, 2024**

VS.

\* \* \*

Ms. Manjot Kaur, AAG, Punjab.

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2. Learned counsel for the petitioner has argued that the petitioner was granted anticipatory bail by the learned Sessions Court vide order dated 17.01.2018 (Annexure P-2) after being granted bail in the aforesaid case, he moved to some safe place along with his family and the Investigating



Officer was very much aware about his contact details but he did not bother about informing the petitioner regarding presentation of Challan in the Court. So, though the petitioner was issued notice after Challan was presented, but the same remained unserved and his bailable warrant and non-bailable warrant were issued. Even thereafter, vide order dated 04.07.2018, proceedings under Section 82 Cr.P.C. were initiated against the petitioner on 10.09.2018, he was declared Proclaimed Offender. However, the said order has been quashed by this Court vide order dated 28.08.2024 passed in separate petition moved by the petitioner i.e. CRM-M-41697-2024. So, the petitioner, who is a victim of persecution and humiliation, is apprehending arrest upon his appearance before the learned Trial Court and has approached this Court for quashing of the impugned order dated 22.05.2018. The petitioner is ready to appear before the learned Trial Court and abide by all the terms and conditions imposed upon him.

3. Notice of motion.

4. Pursuant to advance notice, learned State counsel is present to assist the Court. She has submitted that the petitioner has misused the concession of bail granted to him and has acted in a very casual manner. He was very well aware about the pendency of the case against him but he changed his residence and thereafter, did not keep proper track of the case, which was his duty. Therefore, he cannot expect leniency from the Court of law any further.

5. I have heard the rival submissions of both the parties and have gone through the case file.

6. This is the factual position that summons issued at the given address of the petitioner remained unserved after presentation of Challan, resulting in issuance of bailable and then non-bailable warrants. However, the plea taken by the petitioner is that due to fear of being harassed, he shifted from his residence and moved to a safer place. His contact details were known to the Investigating Officer, but he did not inform the petitioner about the presentation of Challan. Simultaneously, process issued by the Court remained continuously unserved and he could not appear before the Court concerned but his absence was not willful or intentional.
7. Keeping in view the peculiar circumstances of the case, the present petition is allowed and the impugned order dated 22.05.2018 is hereby quashed. It is further clarified that in case, the petitioner surrenders before the learned Trial Court and move an application for bail, then the same shall be decided within a period of seven days by passing a speaking order.
8. Pending applications, if any, shall stand disposed of along with this judgment.

September 16, 2024  
monika

(GURBIR SINGH)  
JUDGE

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|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |