



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

292

CRM-M-51159-2023 (O&M)
Date of Decision:- 07.05.2024

PANNA LAL YADAV

....Petitioner(s)

Versus

STATE OF U.T. CHANDIGARH

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Dinesh Maurya, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor for UT Chandigarh.

SANJIV BERRY, J. (ORAL)

1. The present petition under Section 482 CrPC has been preferred by the petitioner for quashing of the impugned order dated 25.08.2009 (Annexure P-2) passed by learned Judicial Magistrate First Class, Chandigarh in case FIR No.131 dated 14.08.2005 registered under Sections 147, 148, 149, 323 IPC at Police Station Industrial Area, Chandigarh, whereby petitioner had been declared proclaimed offender.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 31.10.2023 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 receipt whereby the cost had been deposited in the District Legal Services Authority, U.T. Chandigarh.



3. Learned Public Prosecutor has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 31.10.2023, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner having been nominated as one of the accused in the aforesaid FIR was never served in the case and ultimately he was declared proclaimed offender vide order dated 25.08.2009 (Annexure P-2), without following the procedure laid down under the provisions of Section 82 Cr.P.C. He further contends that the challan qua the other accused had already been presented in the Court and the trial qua them has already been culminated vide judgment dated 02.11.2012 passed by learned Judicial Magistrate Ist Class, Chandigarh (Annexure P-5).

3. Learned counsel for the petitioner contends that the petitioner had been undergoing treatment at District Hospital, Azamgarh, (Annexure P-4) and was not aware of the proceedings. He further contends that the petitioner is ready to face the trial by appearing in the Trial Court.

4. Notice of motion.

5. On the asking of the Court, Mr. Manish Bansal, P.P. UT, Chandigarh, present in Court, accepts notice on behalf of the State-respondent and acknowledges the fact that vide judgment dated 02.11.2012 (Annexure P-5), passed by learned Judicial Magistrate Ist Class, Chandigarh, vide which the other co-accused have been granted the benefit of probation under the Probation of Offenders Act. He seeks time to file the status report/reply in the matter.

6. Adjourned to 22.11.2023.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. In the meantime, the petitioner is hereby directed to appear in the Court of learned Chief Judicial Magistrate/Duty Magistrate concerned within seven days from today and in the event of the arrest of the petitioner, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the



concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

9. The petitioner shall also furnish a specific undertaking before the trial Court that in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.

10. The petitioner is also burdened with cost of Rs. 10,000/-, to be deposited in the District Legal Services Authority, UT., Chandigarh.”

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 31.10.2023, passed by this Court, the present petition is allowed. The order dated 25.08.2009 (Annexure P-2), passed by learned Judicial Magistrate First Class, Chandigarh is set aside and the interim bail granted vide order dated 31.10.2023 is hereby confirmed.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

07.05.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No