



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

269

CRM-M-49117-2024 (O&M)  
Date of Decision:- 29.11.2024

VIJAY BHARTI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present : Ms. Malvi Aggarwal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

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**SANJIV BERRY, J. (ORAL)**

By way of present petition preferred under Section 528 of BNSS, 2023 the petitioner has sought quashing of impugned order dated 26.09.2022 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Jind, whereby the petitioner was declared as proclaimed person in case FIR No.65 dated 20.09.2016 registered under Sections 379 IPC, at Police Station GRP Jind, District GRP Ambala.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 01.10.2024 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 19.11.2024, passed by learned Chief Judicial Magistrate, Jind, whereby the petitioner has been admitted on interim bail by the learned trial Court.



3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 01.10.2024, the following order was passed.

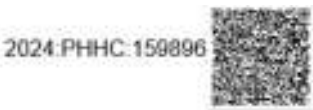
*“ Learned counsel for the petitioner inter alia contends that after being involved in case FIR (Annexure P-1) the petitioner was granted the concession of bail and thereafter he had been regularly appearing in the trial Court. However, on account of his ill-health, he could not appear in the Court on 02.11.2018 leading to cancellation of his bail and issuance of non-bailable warrants of arrest. He has referred to the zimni orders passed by learned trial Court to submit that despite non-bailable warrants having been issued, the same were not executed nor the petitioner was aware of any such process being issued. He contends that the trial Court proceeded to issue proclamation vide order dated 23.11.2021 (Annexure P-6), but the proclamation was not received back. Thereafter, fresh proclamation was issued vide order dated 25.04.2022 (Annexure P-7) and on the basis of statement of the executing official, (Annexure P-9), the petitioner was declared as proclaimed person in the case vide impugned order dated 26.09.2022 (Annexure P-2). He contends that there was no proclamation issued for 16.08.2022 by learned trial Court and even the statement of the executing official would reveal that he has not mentioned any date or time as well as the place when the proclamation alleged was carried out by him. He contends that the impugned order has been passed by learned trial Court without following the procedure laid down under Section 82 CrPC, hence the impugned order is liable to be set aside. He further submits that the petitioner is ready to appear before the trial Court and face the trial.*

*Notice of motion.*

*On the asking of the Court, Ms. Gaganpreet Kaur, DAG Haryana accepts notice on behalf of respondent-State and does not dispute the factual matrix.*

*List on 05.11.2024.*

*In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be admitted on interim bail on his furnishing bail bonds /surety bonds to the satisfaction of the concerned Court/Duty Magistrate, subject to deposit of costs of Rs.5,000/- in the District Legal Services Authority, Jind. 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 he will seek prior exemption from the Court in accordance with law.”*

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 01.10.2024 passed by this Court, the present petition is allowed. The order dated 26.09.2022 (Annexure P-2) passed by learned Judicial Magistrate First Class, Jind, is set aside and the interim bail granted vide order dated 01.10.2024 is hereby confirmed.
7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)  
JUDGE

29.11.2024

S.Sharma(syr)

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