

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-51592-2023 (O&M)
Date of decision: 20.04.2024

SARBJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : None for the petitioner(s).

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY. J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure, 1973 has been preferred by the petitioner seeking quashing of the impugned order dated 23.12.2022 (Annexure P-7), passed by learned Judicial Magistrate First Class, Khanna, in FIR No.163 dated 19.08.2019 under Section 61 of the Excise Act registered at Police Station City-2, Khanna (Annexure P-1) whereby the petitioner has been declared a proclaimed person in the case.

2. Learned State counsel on instructions from HC Paramjit Singh submits that in pursuance to the order dated 12.10.2023 passed by this Court, the petitioner has appeared before the trial Court/Duty Magistrate and furnished his requisite bail bonds.

3. Heard.

4. During the course of hearing on 12.10.2023, the following order was passed:

“2. It is inter alia contended by the learned counsel for the petitioner that the petitioner after having been granted the concession of bail vide order dated 28.11.2019 (Annexure P-2) by this Court in CRM-M37849-2019, had joined the

investigation. He further submits that the challan in the case had been presented in the absence of the petitioner and as the petitioner never received any intimation regarding the case, he could not appear in the Court. He further submits that learned Trial Court had issued the proclamation, as per order dated 28.09.2022, for 10.11.2022. However, no such proclamation was published at the address of the petitioner and even no fresh proclamation whatsoever was issued for date 23.12.2022, when the impugned order was passed. He submits that the passing of the impugned order is in violation of the provisions of Section 82 Cr.P.C and as such the impugned order is liable to be set aside.

3. Notice of motion.

4. On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court accepts notice on behalf of the respondent/State.

5. List on 08.11.2023.

6. In the meantime, the petitioner is directed appear before the Trial Court/Duty Magistrate within 07 days from today and in the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned subject to compliance of the provisions of Section 438(2) Cr.P.C.”

5. 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 12.10.2023, passed by this Court, the present petition is allowed. The order dated 23.12.2022, passed by learned Judicial Magistrate First Class, Khanna is set aside and the interim bail granted vide order dated 12.10.2023 is hereby confirmed.

6. The petition stands allowed.

(SANJIV BERRY)
JUDGE

20.04.2024
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No