

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

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CRM-M-51359-2024

Date of Decision : October 22, 2024

M/S NEW SIDHU B.K.O. & ANOTHER

-PETITIONERS

V/S

STATE OF PUNJAB & ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Madan Lal Saini, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Ram Kumar Chauhan, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 528 of the B.N.S.S., the petitioner(s) seek quashing of the order dated 20.07.2024 (Annexure P-3), wherethrough, the learned Judicial Magistrate First Class, Barnala, has declared him a “Proclaimed Person”, in Complaint bearing No. NACT-34-2023.

2. Although the learned counsel for the petitioners has herein challenged the impugned proclamation order (Annexure P-3), however, he could not cite any illegality or perversity therein. Therefore, the impugned proclamation order is hereby upheld.

3. Nonetheless, the learned counsel for the petitioners submits that, now the matter has been compromised between the parties and the complainant/respondent No.2 is ready to withdraw the complaint (supra). He further submits that, the petitioner(s) is even ready and willing to surrender before the learned trial Court/Magistrate concerned, however, he may kindly

be granted adequate protection from his arrest till the time of his making surrender.

4. Be that as it may, considering the submissions made hereinabove and the innocuous prayer of the learned counsel for the petitioners, coupled with the fact that the underlying object behind declaring any person a “Proclaimed Person/Offender” is to secure his presence for facing trial, therefore, this Court deems it appropriate to grant an opportunity to the petitioner(s) to surrender before the learned trial Court/Magistrate concerned upto 04.11.2024. The arrest of the petitioner shall remain stayed only upto 04.11.2024. Moreover, in case the petitioner surrenders before the learned trial Court/Magistrate concerned within the above stipulated period and files regular bail application, the latter shall decide it on the same day, but, without getting influenced by the proclamation order (Annexure P-3).

5. It is clarified that if the petitioner does not, in compliance of the intimation made to this Court by his counsel, surrender before the learned trial Court/Magistrate concerned upto the stipulated period, the protection regarding his arrest, as granted hereinabove, shall stand *ipso facto* vacated, without any further reference to this Court.

6. It is also clarified that the moment the petitioner appears before the learned trial Court/Magistrate concerned, this order granting interim protection would cease to operate.

7. Disposed of accordingly.

October 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No