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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54839-2023

Date of Decision: 28.05.2024

KARTORH SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

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

Present:- Mr. Kamal Narula, Advocate for
Mr. Munish Gulati, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 13.12.2022 (Annexure P-7) passed by learned Judicial Matistrate First Class, Ferozepur, whereby the petitioner has been declared as proclaimed person under Section 82 of Cr.P.C. in case titled 'Ranbir Singh Versus Kartor Singh' bearing No. NACT/229/2019 dated 20.02.2019.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 14.12.2023, petitioner appeared before the learned trial Court and furnished requisite bonds and surety bonds vide order dated 19.12.2023 passed by the learned Judicial Magistrate First Class Ferozepur. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 13.12.2022 (Annexure P-7) passed by learned Judicial Magistrate First Class, Ferozepur whereby the petitioner was



declared as proclaimed person, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 19.12.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 14.12.2023:-

“ The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 13.12.2022 (Annexure P-7) whereby the petitioner has been declared as proclaimed offender under Section 83 of Cr.P.C. after following the due procedure established under law in case titled ‘Ranbir Singh Versus Kartor Singh’ bearing No. NACT/229/2019 dated 20.02.2019.

2. It is, inter alia, contends by learned counsel for the petitioner that the petitioner was declared as proclaimed person in this case. He further submits that the petitioner, after being summoned in the aforesaid complaint case, had been granted bail and had been regularly appearing in the trial Court, however, the petitioner could not appear in the trial Court on 26.07.2022, leading to cancellation of his bail bonds and issuance of non-ailable warrants of arrest. He submits that the petitioner did not receive any of the process nor he got intimation regarding the date fixed in the Court and due to miscommunication, petitioner could not appear in the trial Court. He further submits that the petitioner was granted concession of interim/anticipatory bail by learned Additional Sessions Judge, Ferozepur, but he could not appear within the stipulated period due to illness, leading to passing of the order (Annexure P-8). He submits that the petitioner is ready to face trial and in future, he will not appear in Court on each and every date without fail.

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. Notice of motion to respondent No.2 for 15.01.2024.

6. Dasti as well.

7. In the meanwhile, the petitioner is directed to appear in the trial Court/Duty Magistrate within seven days from today and in

the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

8. The petitioner will also furnish specific undertaking that in future, he will be appearing on each and every date of hearing without fail and only in case of extreme exigency, he will seek exemption from the Court in accordance with law.

9. Adjourned to 15.01.2024”

6. Keeping in view the fact that the petitioner has already appeared on 19.12.2023 before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 14.12.2023, passed by this Court, the present petition is allowed and order dated 13.12.2022 (Annexure P-7), passed by learned Judicial Magistrate First Class, Ferozepur, whereby the petitioner was declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 14.12.2023 is hereby confirmed.

7. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

28.05.2024

Gyan	i)	Whether speaking/reasoned?	Yes
	ii)	Whether reportable?	Yes