



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

294

CRM-M-57802-2023 (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 23.05.2012 (Annexure P-2) passed by learned Judicial Magistrate First Class, Chandigarh in case FIR No.108 dated 13.05.2006 registered under Sections 323, 506 and 34 IPC at Police Station Industrial Area, Chandigarh, whereby petitioner had been declared proclaimed person.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 31.01.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He further submits that the petitioner has duly deposited the cost in compliance to the order dated 31.01.2024.



3. Learned Public Prosecutor has not disputed the fact that in compliance to the order dated 31.01.2024, the petitioner has appeared before the Court and has also deposited the cost.

4. Heard.

5. During the course of proceedings on 31.01.2024, the following order was passed.

2.Learned counsel for the petitioner, inter alia, contends that the petitioner has been arraigned as one of the accused in the aforesaid FIR, however, he was never served in this case. He never received any notice neither from the police nor from the Court qua the case and ultimately he was declared as proclaimed person in the case vide order dated 23.05.2012 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh, without following the due procedure laid down under Section 82 Cr.P.C. He submits that the petitioner is ready to join the proceedings in the trial Court and will regularly appear in Court on each and every date of hearing without fail.

3.Learned counsel for the petitioner contends that the petitioner had been undergoing treatment at District Hospital, Azamgarh (Annexure P-5) 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. U.T., Chandigarh, present in Court, accepts notice on behalf of the State-respondent. He seeks time to file the status report/reply in the matter.

6. Adjourned to 21.02.2024.

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.

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, U.T. 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 31.01.2024, passed by this Court, the present petition is allowed. The order dated 23.05.2012 (Annexure P-2) passed by learned Judicial Magistrate First Class, Chandigarh is set aside and the interim bail granted vide order dated 31.01.2024 is hereby confirmed.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

07.05.2024
S.Sharma(syr)

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