

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

CRM-48570-2024 in/and

CRM-M-55362-2024

Date of Decision : 10.12.2024

GURPAL SINGH ALIAS SONU

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vivek Thakur, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

CRM-48570-2024

Application is allowed, as prayed for, subject to all just exceptions and copies of judgments dated 31.01.2023 and 26.10.2023, are taken on record as Annexures P-8 and P-9.

CRM-M-55362-2024

1. The present petition has been filed seeking quashing of impugned order dated 23.01.2023 (Annexure P-6) passed by the learned Judicial Magistrate Ist Class, Kapurthala, whereby, the petitioner has been declared as a 'proclaimed person' in case FIR No. 34, dated 15.06.2020, registered under Section(s) 452, 323, 148 and 149 of the IPC at Police Station Dhilwan, District Kapurthala (Annexure P-1).

2. The petitioner was declared proclaimed offender on account of his non-appearance before the learned trial court concerned on 23.01.2022 vide Annexure P-6, in pursuance of proclamation issued vide order dated 21.11.2022 (Annexure P-3)

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner has never been served with the summons/proclamation issued, at the place where he ordinarily resides, and in gross violation of provisions of Section 82 of the Cr.P.C., the impugned order has been passed.

4. He further submits that the petitioner has no intention to run away from the clutches of law, rather he is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case an adequate protection is granted to him.

5. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

6. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

7. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned within 15 days, from today.

8. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time, he shall be released on

regular bail, upon his furnishing bail and surety bonds, however, subject to the satisfaction of the latter concerned.

9. The petitioner is burdened with a cost of Rs.20,000/-, to be deposited with the District Legal Services Authority concerned.

10. In the meanwhile, the arrest of the petitioner shall remain stayed.

11. However, in case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

12. **Disposed of accordingly.**

December 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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