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

CRM-M-58577-2024

Date of Decision:- 25.11.2024

Arshdeep Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Arora, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

AMARJOT BHATTI, J.

1. Petitioner – Arshdeep Singh has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash impugned order dated 08.10.2024 (Annexure P-3) vide which bail order of petitioner has been cancelled and bail bonds and surety bonds have been forfeited to the State and he has been ordered to be summoned through proclamation straightway in Sessions Case No.245 of 2024 titled as “State vs. Arshdeep Singh” arising out of FIR No.140 dated 25.04.2024, under Section 379(B), 323 of IPC, 1860, registered at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1).

2. Learned counsel for petitioner argued that petitioner was granted bail vide order dated 07.08.2024 (Annexure P-2). Challan was presented in his absence. He was never served to appear before learned trial

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Court. Without effecting his service, proclamation proceedings have been initiated vide impugned order dated 08.10.2024 and the next date fixed before learned trial Court is 30.11.2024. He is ready to face the trial, therefore, impugned order dated 08.10.2024 may kindly be set aside by accepting present petition. He will surrender before learned trial Court before the next date of hearing.

3. Notice of motion.

4. On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State. He confirmed that till date present petitioner has not been declared proclaimed person.

5. I have considered the aforesaid factual position. Interlocutory orders are reproduced in para No.6 of the petition which show that the case was received by learned Sessions Judge, Tarn Taran by way of commitment vide order dated 13.08.2024 and production warrants of present petitioner were issued for 29.08.2024. On the next date, it was informed that petitioner is already granted bail. Thereafter, his bailable warrants were issued for 07.09.2024. On 07.09.2024 his bailable warrants were received back unexecuted and his arrest warrants were issued for 24.09.2024. On 24.09.2024 and 08.10.2024 his arrest warrants could not be executed and proclamation proceedings were started under Section 82 and 83 of Cr.P.C. At present, proclamation is already done and case is fixed for 30.11.2024 for awaiting presence of accused Arshdeep Singh. Petitioner is ready to face the trial. He was never served through bailable warrants nor his arrest warrants

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could be executed. Prior to this, he was on bail and the challan was presented in his absence. Therefore, taking a lenient view, impugned order dated 08.10.2024 (Annexure P-3) is accordingly set aside. Petitioner is directed to appear before learned trial Court on or before next date of hearing i.e. 30.11.2024 and he be released on bail to the satisfaction of learned trial Court subject to the condition that he will deposit cost of Rs.20,000/- with District Legal Services Authority.

6. Petition is accordingly disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

25.11.2024*sunil devi*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No