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

CRM-M-59639-2024

Date of Decision:- 03.12.2024

YOGESH

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Gurdeep Kaur, Advocate for petitioner.

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

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 528 of BNSS, 2023 for setting aside order dated 11.10.2024 passed by learned Additional Sessions Judge, Ludhiana (Annexure P-4) in FIR No.150 dated 18.09.2020 under Sections 399, 402 of IPC and Section 25 of Arms Act registered at Police Station Khanna City-2, District Ludhiana whereby the Court has initiated proclamation proceedings against petitioner.

2. Learned counsel for petitioner argued that petitioner absented on 16.08.2024 on account of his poor health. Application was filed seeking exemption. Since the application was not supported by medical certificate, the same was declined. Therefore, the bail bonds and surety bonds were cancelled and forfeited to the State and his arrest warrants were issued for 06.09.2024. On two dates, arrest warrants were received back unexecuted and by passing impugned order dated 11.10.2024 proclamation proceedings were started. It is pointed out that petitioner is HIV positive

and because of his health condition he could not appear. He is ready to face the trial and abide by the terms and conditions of bail order.

3. Notice of motion.

4. On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State.

5. I have considered the aforesaid factual position. In the case in hand, petitioner absented on 16.08.2024 and thereafter his arrest warrants were issued and now proclamation proceedings have been initiated. Petitioner is ready to face trial. Considering his health condition, lenient view is taken. He is directed to surrender before the trial Court on or before 18.12.2024 subject to deposit of Rs.5,000/- with District Legal Services Authority, Ludhiana and be released on bail to the satisfaction of trial Court/Duty Judge failing which trial Court may proceed as per law.

6. Petition is disposed of accordingly.

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

(AMARJOT BHATTI)
JUDGE

03.12.2024
snd

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