



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

325/1

CRM-M-64620-2023 (O&M)
Date of Decision:- 04.09.2024

RAMANDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gurminder Singh Salana, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 28.09.2023 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Fatehgarh Sahib, whereby the petitioner was declared as proclaimed person in case FIR No.65 dated 16.06.2018 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Sirhind, District Fatehgarh Sahib.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 02.02.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 06.02.2024 passed by Chief Judicial Magistrate, Fatehgarh Sahib, whereby the petitioner has been



admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 02.02.2024, the following order was passed.

“2. Learned counsel for the petitioner, inter alia, contends that in the FIR (Annexure P-1), the petitioner was arraigned as one of the accused. After being granted concession of bail, the petitioner had been regularly appearing in Court but on account of his mother suffering from cancer and being on the last stage, he could not appear in Court and ultimately, he was declared as proclaimed person in the case vide impugned order (Annexure P-3) dated 28.09.2023. He submits that the petitioner did not receive any notice qua the proceedings and has been declared as proclaimed person in the case without following the due procedure laid down under Section 82 Cr.P.C. He submits that, in the meanwhile, the petitioner has already deposited the amount with the Bank and has referred to the communication dated 18.01.2024 and 07.08.2019 issued by the Banks. He submits that the petitioner is ready to join the trial and prayed for concession of bail.

3. Notice of motion.

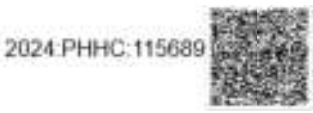
4. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. Heard.

6. Without commenting on the merits of the case, the petitioner is directed to appear in the trial Court 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 trial Court/Duty Magistrate.

7. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the concerned Court in accordance with law.

8. List on 22.02.2024.”



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 02.02.2024 passed by this Court, the present petition is allowed. The order dated 28.09.2023 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Fatehgarh Sahib is set aside and the interim bail granted vide order dated 02.02.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.09.2024
S.Sharma(syr)

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