

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.132****Case No. : CRM-M-1813-2025****Decided On : January 15, 2025**

Kapil Kumar @ Billa Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH.

* * *

Present : Mr. Lakshay Bector, Advocate
for the petitioner.

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SANJAY VASHISTH, J. (Oral) :

1. The instant petition has been filed under Section 528 of the BNSS, for quashing of the order dated 14.11.2024, passed by learned Judicial Magistrate First Class, Ludhiana (Annexure P-3), vide which the petitioner was declared proclaimed offender in case FIR No.80 dated 08.04.2019 (Annexure P-1), under Sections 323, 324, 353, 186, 148, 149 IPC, registered at Police Station Division No.7, District Ludhiana.

2. While challenging the order dated 14.11.2024 (Annexure P-3), the counsel submits that the petitioner was not aware of any such proceeding and on the day, when he was declared proclaimed person, the petitioner was already inside the jail in case FIR No.58 dated 17.02.2014, pursuant to the judgment of conviction dated 19.10.2022 (Annexure P-4) passed in the said FIR, which was registered with Police Station Jodhewal, District Ludhiana. The petitioner was undergoing sentence for committing offence under Section 302 IPC and Section 27(1) of the Arms Act. Counsel refers to the order dated 21.11.2024 passed in CRA-D-45-2023 (Annexure P-5),

whereby the petitioner was granted bail. Thus, submits that the order dated 14.11.2024 is not sustainable in law as the same has not been passed after appreciating the correct position of facts.

3. Notice of motion.
4. Mr. Amandeep Singh, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and after examining the petition and the documents appended therein, does not dispute the assertions made by counsel for the petitioner.
5. After examining all the record and looking at the order dated 21.11.2024 (Annexure P-5), this Court cannot have any doubt to believe the submissions of counsel for the petitioner that on 14.11.2024, the petitioner was inside the jail. Therefore, there was no occasion for him to put appearance before the Trial Court. Accordingly, the impugned order dated 14.11.2024, whereby the petitioner was declared proclaimed person, is set aside and it is further directed that in case, the petitioner puts in appearance before the concerned Court on or before 03.02.2025, he would be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

Petition stands disposed of.

January 15, 2025

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(SANJAY VASHISTH)

JUDGE

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