



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300

CRM-M-2513-2025 (O&M)
Date of Decision : 06.02.2025

Kamaljeet Singh @ Kamaljit Singh

-Petitioner

V/S

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned orders dated 23.10.2024 & 12.08.2024 (Annexures P-9 and P-6) passed by Judicial Magistrate First Class, Shri Anandpur Sahib, District Rupnagar in CHI/52/2019 registered on 18.02.2019 titled as "State Versus Rajesh Kumar Arora & Others" in FIR No.0066 dated 21.06.2017 (Annexure P-1) under Sections 406 and 120-B of IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

2. Learned counsel for the petitioner, *inter alia* contends that in compliance of the order dated 20.01.2025, petitioner appeared before the learned trial Court on 23.01.2025 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of orders dated 23.01.2025 and 01.02.2025 passed by learned



Judicial Magistrate Ist Class, Rupnagar. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 23.10.2024 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Rupnagar whereby the petitioner was declared as proclaimed person, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 23.01.2025 and 01.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of proceedings, following order was passed on 20.01.2025 :-

“1. The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned orders dated 23.10.2024 & 12.08.2024 (Annexures P-9 and P-6) passed by Judicial Magistrate First Class, Shri Anandpur Sahib, District Rupnagar in CHI/52/2019 registered on 18.02.2019 titled as “State Versus Rajesh Kumar Arora & Others” in FIR No.0066 dated 21.06.2017 (Annexure P-1) under Sections 406 and 120-B of IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

2. It is, Inter alia contended by learned counsel for the petitioner that the petitioner after being granted the concession of bail had been regularly appearing before the learned trial Court. However, on 12.07.2024, he was absent, having noted down the wrong date, leading the learned trial court to adjourn the matter for 26.07.2024 of which the petitioner had no notice and vide Annexure P5 the bail of the petitioner was cancelled and he was ordered to be summoned through non-bailable warrants of arrest. He contends that vide order dated



12.08.2024 (Annexure P-6), the proclamation was ordered to be issued under Section 82 Cr.P.C. He further contends that the said order itself is not in accordance with law as no specific date for proclamation has been mentioned therein and subsequently the learned trial Court has declared the petitioner as proclaimed person vide impugned order dated 23.10.2024 (Annexure P-9). He also contends that all the proceedings qua proclamation have been in utter violation of the provisions contained under Section 82 Cr.P.C, as there was no notice to the petitioner to appear before the learned trial Court on 23.10.2024 in the proclamation. He submits that the petitioner is ready to face the trial. Hence, the present petition.

3. Notice of motion.

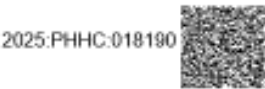
4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG Punjab accepts notice on behalf of the State and has not disputed the factual matrix.

5. List on 06.02.2025.

6. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be admitted on interim bail on his furnishing bail bonds /surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency he will seek prior exemption from the Court in accordance with law.

7. The petitioner is also burdened with cost of Rs.10,000/- to be deposited with the District Legal Services Authority, Rupnagar, as a condition precedent for his admission to interim bail.

8. Further the operation of the impugned order shall remain stayed till the next date of hearing.”



6. Keeping in view the fact that the petitioner has already appeared on 23.01.2025 and 01.02.2025 before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 20.01.2025, passed by this Court, the present petition is allowed and order dated 23.10.2024 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Rupnagar, whereby the petitioner was declared as proclaimed person, is hereby set aside and the interim bail granted vide order dated 20.01.2025 is hereby confirmed.

7. The petition stands disposed of.

06.02.2025 Satyawar	(SANJIV BERRY) JUDGE
Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No