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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18387-2025
Date of decision: 08.05.2025

SURINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Ms. Aayushi, Advocate for
Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J. (Oral)

By way of present petition filed under Section 528 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks quashing of order dated
27.05.2016 (Annexure P-2) passed by learned Chief Judicial Magistrate,
Amritsar in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
397	04.11.2014	365 of IPC (306 of IPC added later on)	Civil Lines, Amritsar

2. Learned counsel for the petitioner has submitted that in
compliance to the order dated 04.04.2025 passed by this Court, the
petitioner has already joined the investigation and as such interim bail
granted to the petitioner may be confirmed.



3. Learned State counsel, on instructions received from Investigating Officer has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 04.04.2025, the following order was passed:-

“Instant petition has been preferred under Section 528 BNSS, 2023 for quashing of the order dated 27.05.2016 (Annexure P-2) passed by learned Chief Judicial Magistrate, Amritsar in case FIR No.397 dated 04.11.2014 registered under Section 365 IPC (Section 306 IPC added later on) P.S. Civil Lines, Amritsar whereby the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner never received any notice or warrant regarding the proclamation to appear in the present FIR and has been declared proclaimed person vide impugned order dated 27.05.2016 (Annexure P-2) without following the procedure laid down under Section 82 Cr.P.C. in letter and spirit.

3. Learned counsel for the petitioner further contends that the petitioner is ready to join the investigation and seek quashing of the impugned order (Annexure P-2),

4. Notice of motion.

5. Mr. Rajinder Singh Bhatta, DAG Punjab present in Court accepts notice on behalf of State and seeks some time for filing short reply.

6. Be filed on or before 08.05.2025.

7. In the meanwhile, the petitioner is directed to join the investigation 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 Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of BNSS, 2023.

8. Till the next date of hearing, the operation of impugned order dated 27.05.2016 (Annexure P-2) declaring the petitioner as proclaimed person in this case shall remain stayed. ”



6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 04.04.2025 passed by this Court, interim bail granted vide order dated 04.04.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS and impugned order dated 27.05.2016 is set aside. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands disposed of.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.05.2025
Priyanka Thakur

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No