



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

CRM-M No.22180 of 2025

Date of decision: 28.04.2025

Arshdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Gurmehar Singh Minhas, Advocate and
Mr. Navtej Singh Minhas, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab

H.S. GREWALJ.

1. The petitioner in the present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is seeking to quash the impugned order dated 21.11.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, in case FIR No. 206 dated 29.09.2019, registered under Sections 323, 324, 326, 452, 148, 149 IPC, at Police Station Rama Mandi, Jalandhar, vide which he was declared as proclaimed offender.

2. Learned counsel for the petitioner submits that learned trial Court has committed an error while declaring the petitioner as proclaimed offender as proper procedure under Section 82 Cr.P.C has not been adopted in the present case and thus, the impugned order is liable to be set aside. He further submits that the petitioner did not appear before learned trial Court on 30.08.2024 due to noting wrong date and thereafter, he moved anticipatory bail, which was dismissed vide order dated 12.11.2024.

3. Notice of motion.

4. On the asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned counsel for the petitioner, on instructions submits that the petitioner undertakes to appear before the trial Court concerned on each and every date and shall not seek any exemption for his personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioner prays that directions be issued to the Trial Court concerned that his bail application, which he would be filing on his surrender, be decided expeditiously.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. In view of the above, the instant petition is allowed and impugned order dated 21.11.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, is set aside, subject to the condition that the petitioner shall appear and move an application for bail before the trial Court concerned within 07 days from the date of receipt of certified copy of this order, which shall be considered and disposed of by the Court below on the same very day.

8. It is made clear that in case, the petitioner fails to surrender before the Court concerned within 07 days from today, this order shall be of no avail to him thereafter.

28th April, 2025
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(H.S. GREWAL)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>