2025:PHHC:070486

270-CRM-M-41715-2024

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-41715-2024
Date of decision: 23.05.2025

Pardip Kumar **….Petitioner.**

Versus

State of Punjab **....Respondent.**

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kuldeep Singh, Advocate,
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

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SANJIV BERRY, J. (ORAL)

Instant petition under Section 528 BNSS 2023 has been preferred for setting aside the impugned order dated 28.11.2006 (Annexure P-2) passed by the Court of learned Chief Judicial Magistrate Moga in case FIR No.233 dated 22.10.2002 registered under Sections 420, 467, 468, 471 IPC P.S. City Moga, District Moga vide which the petitioner was declared as proclaimed offender.

2. Heard.

3. Learned counsel for the petitioner contends that petitioner is innocent and has been falsely implicated in this case. He contends in compliance to the order dated 07.05.2025, the petitioner had appeared before the learned Trial Court and furnished the requisite bail/surety bonds. Besides, he has also deposited the cost, so imposed, vide the aforesaid order dated 07.05.2025. He has placed on record copy of the

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order dated 14.05.2025 passed by learned Additional Civil Judge (Sr. Division)/Chief Judicial Magistrate, Moga, the same is marked as Annexure 'A' and taken on record.

4. Learned counsel for the petitioner further contends that since the petitioner has joined the Trial Court proceedings, as such the impugned order dated 28.11.2006 (Annexure P-2), passed by learned Chief Judicial Magistrate, Moga, whereby the petitioner was declared as proclaimed offender, be quashed.

5. Learned State counsel has not disputed the fact that the petitioner has appeared before the learned Trial Court and furnished the requisite bail/surety bonds.

6. During the course of hearing on 07.05.2025, following order was passed: -

> *'2. It is inter alia contended by learned counsel for the petitioner that the petitioner after being granted concession of bail had been regularly appearing before the learned Trial Court. In the meanwhile, there was a compromise effected between the petitioner and the complainant and under the advise of his counsel the petitioner did not appear before the learned Trial Court on the presumption that the matter is over, leading to cancellation of his bail and ultimately being declared as proclaimed offender vide impugned order dated 28.11.2006 (Annexure P-2).*
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> *3. Learned counsel for the petitioner submits that the impugned order Annexure P-2 (supra) has not been passed strictly in accordance with the provisions of Section 82 Cr.P.C., nor proper procedure has been followed therein. He submits that the petitioner is ready to appear before the learned Trial Court and face the trial and undertake that he*

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will regulary appear before the learned Trial Court without fail.

4. Notice of motion.

5. Mr. Jatinderpal Singh, Sr. DAG, Punjab present in Court, accepts notice on behalf of the State-respondent and has not disputed the factual matrix.

6. Considering the submissions made by both the sides, without commenting on the merits, the petitioner is directed to appear before the learned Trial Court within 10 days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned Court, however, subject to the petitioner, depositing Rs.25,000/- as cost in Poor Patients Welfare Fund, PGIMER, Chandigarh. The receipt thereof be produced before the learned Trial Court while appearing before the learned Trial Court in terms of the instant order.

7. 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 will seek prior exemption from the Court in accordance with law.

8. On the appearance of the petitioner, the learned Trial Court is directed to communicate the order to this Court, through appropriate channel well before the next date of hearing.

9. In the meanwhile, the operation of the impugned order Annexure P-2 dated 28.11.2006 declaring the petitioner as proclaimed offender shall remain stayed till the next date of hearing.

10. List on 23.05.2025'

7. Keeping in view the above submissions made by learned State counsel and the fact that in compliance to the order dated 07.05.2025, the petitioner had appeared before the learned Trial Court and furnished the requisite bail/surety bonds and has also deposited the

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cost, so imposed, by this Court, interim bail granted vide order dated 07.05.2025 is hereby confirmed.

8. With these observations, impugned order dated 28.11.2006 passed by learned Chief Judicial Magistrate, Moga, (Annexure P-2) is set aside and the instant petition stands allowed.

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

(SANJIV BERRY)
JUDGE

23.05.2025
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i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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