



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

244

CRM-M-54841-2024 (O&M)

Date of Decision:- 14.02.2025

KARMAN SINGH SANDHU

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Tushaar Madaan, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 the petitioner has sought quashing of impugned orders dated 08.09.2023 and 29.08.2024 (Annexures P-2 and P-4 respectively) passed by the Court of learned Judicial Magistrate First Class, Ferozepur, whereby the petitioner was summoned and thereafter declared as proclaimed person in complaint case bearing NACT/1262/2023 titled 'Uma Vs. Karman Singh'.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 21.11.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 10.12.2024, passed by learned Judicial Magistrate First Class, Ferozepur, whereby the petitioner has been admitted on interim bail by the learned trial Court.



3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 21.11.2024, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has no concern with the allegations levelled in the complaint (Annexure P-1) filed by respondent No.2 under Section 138 of Negotiable Instruments Act. He further contends that the petitioner had been summoned by learned trial Court vide order dated 08.09.2023 (Annexure P-2) for his appearance, however, the petitioner never received any summons in the case and the process serving agency wrongly reported the refusal, leading to the learned Magistrate, proceeding to issue warrants followed by proclamation and ultimately declaring the petitioner as proclaimed person vide order dated 29.08.2024 (Annexure P-4).

3. It is vehemently contended by learned counsel for the petitioner by referring to the copy of passport of the petitioner annexed as Annexure P-3, that the petitioner had gone abroad on 09.04.2023, returned on 12.11.2023 and again gone to Canada on 10.02.2024, where he is still residing. He contends that no notice of proclamation was received by the petitioner as he was abroad and for that matter non-bailable warrants were also not been executed as he was not in India and learned Magistrate has not adopted the proper procedure and simply by relying upon the report of an executing official has declared the petitioner as proclaimed person in this case which is manifestly wrong. He contends that the petitioner is ready to face the trial. Hence, the present petition.

4. Notice of motion.

5. On the asking of the Court, Ms. Seena Sandhu, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

6. Notice of motion be issued to respondent No.2 for 29.01.2025.

7. Dasti as well.

8. In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within four weeks 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 concerned trial Court/Judge on duty.

9. Till the petitioner appears before the learned trial Court, the operation of the impugned order dated 29.08.2024 (Annexure P-4) declaring him as proclaimed offender in the case shall remain stayed.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 21.11.2024 passed by this Court, the present petition is allowed. The orders dated 08.09.2023 and 29.08.2024 (Annexures P-2 and P-4 respectively) passed by the Court of learned Judicial Magistrate First Class, Ferozepur are set aside and the interim bail granted vide order dated 21.11.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

14.02.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No