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CRM-M-56981-2024

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2025.FH11C.021110



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56981-2024

Date of decision: 13.02.2025

NAVJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Manav Singh Rai, Advocate for
Mr. Parminder Singh Rai, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 19.08.2019 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Bathinda in case FIR No.152 dated 09.09.2017 registered under Sections 420, 120-B and 149 IPC P.S. Nehianwala, District Bathinda, whereby the petitioner was declared as proclaimed offender.

2. Learned counsel for the petitioners *inter alia* contends that in compliance of the order dated 28.01.2025, petitioner appeared before the learned trial Court on 04.02.2025 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 04.02.2025 passed by learned Judicial Magistrate 1st Class, Bathinda. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated



19.08.2019 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Bathinda whereby the petitioner was declared as proclaimed offender, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 04.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 28.01.2025:-

“ The present petition has been preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of impugned order dated 19.08.2019 (Annexure P-7) passed by learned Judicial Magistrate First Class, Bathinda, whereby the petitioner was declared proclaimed offender in case FIR No.152 dated 09.09.2017 registered under Sections 420, 120-B and 149 IPC at Police Station Nehianwala, District Bathinda.

It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (Annexure P-1), was granted bail vide order dated 05.12.2017. Thereafter, he had been regularly appearing before the learned Trial Court. However, due to unavoidable circumstances, the petitioner lost track of the dates and got absented from the proceedings and was ultimately declared as proclaimed offender vide impugned order dated 19.08.2019 (Annexure P-7). He has further submitted that the proclamation proceedings have been conducted by the learned Trial Court in violation of the provisions contained under Section 82 Cr.P.C. He submits that the petitioner is ready to join the proceedings and face the trial.

Notice of motion.

On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG Punjab accepts notice on behalf of respondent-State and seeks time to file reply in the matter.

In view of the above, without commenting on the merits of the case, the petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 10 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.
List on 13.02.2025.”*

6. Keeping in view the fact that the petitioner has already appeared on 04.02.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 28.01.2025, passed by this Court, the present petition is allowed and the order dated 19.08.2019 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Bathinda, whereby the petitioner was declared as proclaimed offender is hereby set aside and the interim bail granted vide order dated 28.01.2025 is hereby confirmed.
7. The petition stands disposed of.

13.02.2025
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(SANJIV BERRY)
JUDGE

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