



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

CRM-M-59791-2024

Date of decision: 18.03.2025

SANDEEP

....PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Gourav Pal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of BNSS, 2023, petitioner seeks quashing of impugned order dated 23.09.2022 (Annexure P-1) passed by the learned Chief Judicial Magistrate, Karnal, in FIR No.167 dated 02.11.2019 registered under Sections 61, 1, 14 of Punjab Excise Act at P.S. Sector 32-33, Karnal (Annexure P-2), whereby the petitioner has been declared as proclaimed person.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 20.02.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 03.03.2025 passed by learned Judicial Magistrate Ist Class, Karnal, in this regard. He has also deposited cost of Rs.5,000/- in compliance to the order dated 20.02.2025.

3. This aspect is not disputed by learned State counsel.

4. During the course of hearing on 20.02.2025 following order



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was passed:

“ 2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (supra), was granted concession of bail by the police, as is evident in the copy of challan (Annexure P-3). He contends that while presenting the challan, no notice in any manner was served upon the petitioner nor he received any warrants or proclamation from the learned Trial Court to appear on the date fixed, he has been declared proclaimed person vide impugned order dated 23.09.2022 (Annexure P-1) in case CHA-861-2021, 'State vs. Sandeep' by learned Trial Court without following the procedure laid down under Section 82 Cr.PC. He contends that, if granted concession of bail, the petitioner will regularly appear in the Court on each and every date of hearing without fail.*

4. *Notice of motion, returnable for 18.03.2025.*

5. *On the asking of the Court, Mr. Arun Kumar Gujjar, AAG, Haryana, who is present in Court, accepts notice and does not dispute thefactual matrix of the case.*

6. *Keeping in view the above facts and circumstances and without commenting on the merits of the case at this stage, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 10 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds, however, subject to deposit of a cost of Rs. 5,000/- in the District Legal Services Authority, Karnal, before furnishing bail/surety bonds.*



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7. *The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”*

5. 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 20.02.2025, passed by this Court, the present petition is allowed. The order dated 23.09.2022 (Annexure P-1), passed by learned Chief Judicial Magistrate, Karnal, stands quashed and the interim bail granted vide order dated 20.02.2025 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

18.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |