



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

CRM-M-63144-2024

Date of decision: 28.01.2025

CHHATRPAL**....Petitioner****Versus****STATE OF HARYANA****....Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Ms. Lalita Kashyap, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 08.02.2024 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Karnal in case bearing No.CIS No.CHI-2394-2017, titled as '*State of Haryana vs. Chhatarpal Singh etc.*', whereby proclamation was issued against the petitioner and the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 10.01.2025, petitioner appeared before the learned trial Court on 20.01.2025 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 20.01.2025 passed by learned Judicial Magistrate 1st Class, Karnal. She contends that since the petitioner has joined the trial Court proceedings, as such the order dated 08.02.2024 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Karnal



whereby proclamation was issued against the petitioner and the petitioner was declared as proclaimed person, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 20.01.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 10.01.2025:-

“ By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks quashing of the order dated 08.02.2024 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Karnal, in case bearing No. CIS No. CHI-2394-2017, ‘State of Haryana vs. Chhatarpal Singh etc.’ in case FIR as mentioned below:

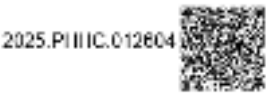
<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
<i>183</i>	<i>19.02.2017</i>	<i>279, 304-A IPC</i>	<i>Karnal City, District Karnal</i>

2. Heard.

3. It is, inter alia, contended by learned counsel appearing on behalf of arguing counsel for the petitioner that the petitioner after having been arrested in case FIR (supra) had been granted the concession of bail in the present case registered under Section 279 and 304-A IPC. She contends that after completion of investigation, challan was presented and the petitioner was regularly appearing in the concerned Court, as is evident from the perusal of the zimni orders (Annexure P-4) but subsequently due to COVID 19 Pandemic, the case had to be adjourned in the absence of the petitioner and in the meanwhile, the petitioner had shifted from his residence to Village Bubka, Yamuna Nagar, and on this account, he could not receive any notice or warrants from the learned Trial Court. She further contends that proclamation issued by the learned Trial Court was also not received nor the petitioner was aware of it, leading to passing of order dated 08.02.2024 (supra) by the learned Trial Court.

4. Learned counsel further contends that the petitioner is ready to appear in the learned Trial Court on each and every date of hearing without fail and face the trial.

5. Notice of motion, returnable for 28.01.2025.



6. *On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case.*
7. *Keeping in view the above facts and circumstances and also the fact that instant case was registered under Section 279 and 304-A IPC and the absence of the petitioner had been on account of COVID 19 Pandemic, without commenting on the merits of the case, 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. The petitioner is burdened to pay a cost of Rs. 10,000/- in the District Legal Services Authority, Karnal, which shall be the condition precedent for grant of interim bail.*
8. *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.”*

6. Keeping in view the fact that the petitioner has already appeared on 20.01.2025 before the learned trial Court and furnished their requisite bail/surety bonds consequent to the order dated 10.01.2025, passed by this Court, the present petition is allowed and the order dated 08.02.2024 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Karnal, whereby proclamation was issued against the petitioner and the petitioner was declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 10.01.2025 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

28.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |