



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

275

CRM-M-17770-2023 (O & M)

Date of decision: 24.09.2025

Sarpanch Cement Pipe Factory through its proprietor Saroop Singh

...Petitioner

Versus

Gurbir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhishek K. Kathpal, Advocate, for the petitioner.

None for the respondent.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition under Section 482 Cr.P.C. has been filed for setting aside the impugned orders dated 10.08.2022 (Annexure P-3) and 12.01.2023 (Annexure P-5) vide which the bail bonds of the petitioner had been cancelled and the petitioner was declared as proclaimed offender respectively passed by the Court of learned Judicial Magistrate 1st Class, Gurdaspur in case titled as 'Gurbir Singh vs. Sarpanch Cement Pipe' bearing NACT 113 2021.

2. On 07.05.2025, this Court passed the following order:

“Instant petition under Section 482 Cr.P.C. has been preferred for setting aside the impugned orders dated 10.08.2022 (Annexure P-3) and 12.01.2023 (Annexure P-5) vide which the bail bonds of the petitioner had been cancelled and the petitioner was declared as proclaimed offender respectively passed by the Court of learned Judicial Magistrate 1st Class, Gurdaspur in case titled as 'Gurbir Singh vs. Sarpanch Cement Pipe' bearing NACT 113 2021.

2. It is inter alia contended by learned counsel for the petitioner that the petitioner had been regularly appearing before the learned Trial Court but on account of death of his near relative the petitioner could not appear before the learned Trial Court leading to cancellation of his bail. Learned counsel for the petitioner has referred to the order

dated 15.03.2022 (Annexure P-2) to submit that even an application had been moved by his counsel intimating the absence of the petitioner on account of demise in the family but the same was not considered by the Court.

3. Learned counsel for the petitioner submits that the learned Trial Court proceeded to pass the impugned order dated 12.01.2023 (Annexure P-5) declaring the petitioner as proclaimed offender in the case without following the due procedure laid down under Section 82 Cr.P.C. He submits that the petitioner is ready to join the investigation before the learned Trial Court.

4. Notice of motion returnable for 02.07.2025.

5. Dasti as well.

6. In the meanwhile, the petitioner is directed to appear before the learned Trial Court within 07 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 depositing Rs.10,000/- as cost in District Legal Services Authority, Gurdaspur as a condition precedent. 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, impugned order 12.01.2023 (Annexure P-5) shall remain stayed till the next date of hearing.

10. List on 02.07.2025.”

3. Learned counsel submits that in compliance to the aforesaid order, the petitioner had surrendered before the trial Court and has been granted bail, in view of which the present petition has been rendered infructuous and the same may be disposed of as such.

4. Ordered accordingly.

24.09.2025

parveen kumar

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

(AMAN CHAUDHARY)
JUDGE