



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

384

**CRM-M-9352-2025 (O&M)
Date of Decision:- 26.03.2025**

HARBHAJAN SINGH @ DEEPA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

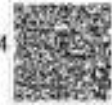
Present : Mr. Manbir Singh Bath, Advocate for the petitioner.

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 order dated 19.01.2017 (Annexure P-6) passed by the Court of learned Chief Judicial Magistrate SBS Nagar, whereby the petitioner was declared as proclaimed offender in complaint case No.44/1/2016 dated 19.08.2013 under Section 326, 324, 323 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 19.02.2025 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 05.03.2025, passed by learned



Chief Judicial Magistrate, SBS Nagar, 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 19.02.2025, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, being innocent, had been falsely implicated in the complaint case bearing No. 44/1/2016 dated 19.08.2013, titled ‘Vinod Kumar alias Sahbi Versus Deepa and others’ . He submits that the petitioner had been residing abroad and he never received any summon, notice, warrant or proclamation to appear in the said case, however, the learned trial Court without following the procedure laid down by law and specifically under Section 82 of Cr.P.C., wrongly declared the petitioner as proclaimed offender vide impugned order dated 19.01.2017 (Annexure P-6). He has placed on record the certified copy of Annexure P-5 to submit that even the alleged proclamation was issued by the concerned learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, on 20.12.2016 but as per the report of the executing official, the proclamation was effected on 24.11.2016 and interestingly, the learned trial Court relying upon the same, has declared the petitioner as proclaimed offender vide impugned order dated 19.01.2017 (Annexure P-6) which is utter violation of the provisions contained under Section 82 Cr.P.C. Hence, the petition.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and has not disputed the factual matrix of the case.

5. Mr. Jagdish Singh, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record. He submits that the complainant has already effected compromise vide (Annexure P-9) dated 18.12.2024 with the petitioner, as such, has no objection in granting the relief prayed for to the petitioner.



6. *After considering the rival contentions and considering the fact that the impugned order (Annexure P-6) has been passed by learned trial Court without following the due procedure laid down under Section 82 Cr.P.C. and also considering the fact that respondent No.2 has already effected compromise with the petitioner.*

7. *Therefore, without commenting on the merits of the case, the petitioner is hereby directed to to appear before the learned Trial Court/Illaq Magistrate on or before 21.03.2025 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/ Illaq Magistrate.*

8. *List on 26.03.2025.*

9. *The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.”*

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 19.02.2025 passed by this Court, the present petition is allowed. The order dated 19.01.2017 (Annexure P-6) passed by the Court of learned Chief Judicial Magistrate SBS Nagar is set aside and the interim bail granted vide order dated 19.02.2025 is hereby confirmed.

7. The petition stands allowed.

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

(SANJIV BERRY)
JUDGE

26.03.2025

S.Sharma(syr)

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