

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

**Criminal Misc. No. M-14448 of 2015
Date of Decision:-06.7.2015**

Varinder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Learned counsel for the petitioner states that pursuant to the order dated 6.5.2015 the petitioner surrendered before the trial Court and the trial Court has admitted him on bail on his furnishing of bail bonds/surety bonds to its satisfaction.

Prayer in the present petition is for quashing of FIR No.126 dated 26.8.2007, under Sections 326, 324, 323, 148 and 149 IPC, registered at Police Station Ahmedgarh, District Sangrur (Annexure P-1) as well as quashing of P.O. order dated 26.11.2011 (Annexure P-2) in the light of the judgment dated 13.2.2014 (Annexure P-3) vide which other co-

accused have been acquitted by learned Judicial Magistrate 1st Class, Malerkotla.

Learned counsel for the petitioner submits that the present case was registered on the basis of statement of Mohammad Esha son of Guljar Mohammad. As per the averments made in the FIR, Mohammad Esha is doing the business of making Dattis. On 19.8.2007 at about 9/9.30 PM when he was going to the house of Aggarwal Mehar Chand for giving his money, accused Lakhwinder Singh @ Lakhi, Gurpreet Singh, Dhibri i.e. the petitioner, Varinder Pal Singh and Manno armed with sword and hockeys were standing near Sabji Mandi. On seeing the complainant, accused Lakhi gave him sword blow on his left arm and due to this blow, the complainant fell down. Thereafter accused Lakhi again gave sword blow on his left leg and the other accused also started to give hockey blows to him. During the trial, the petitioner was declared proclaimed offender on 26.11.2011 by the learned Judicial Magistrate 1st Class, Malerkotla, as the petitioner had gone abroad in the year 2010. The trial was conducted and vide judgment dated 13.2.2014, the accused were acquitted of the offence punishable under Sections 341, 323 and 326 read with Section 34 IPC while extending them the benefit of doubt. In this manner, the prosecution failed to bring home the guilt of the other accused.

It is in the aforesaid background, the petitioner has filed the present petition seeking quashing of order dated 26.11.2011 (Annexure P-2) declaring him proclaimed offender in the case.

This Court vide order dated 6.5.2015 while issuing notice of

motion to the State, has directed the petitioner to surrender before the trial Court within a period of ten days and on his surrender, the trial Court was directed to admit the petitioner on bail subject to his furnishing bail bonds/surety bonds to its satisfaction.

Since the petitioner has surrendered before the trial Court and has been admitted to bail, the order dated 26.11.2011 (Annexure P-2) no more survives.

However, the petitioner shall face the trial and the trial Court is directed to proceed with the trial in accordance with law and conclude the trial expeditiously as possible.

Disposed of.

July 06, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE