

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-24372-2015
Decided on : 07.08.2015*Kharakwinder Singh @ Kharkoo**... Petitioner**Versus**State of Punjab**... Respondent*

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Prateek Pandit, Advocate
for the petitioner.
Mr.R.S.Nain, AAG, Punjab.
Mr.Amit Kohar, Advocate for the complainant.

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?

Hari Pal Verma, J. (Oral)

Prayer in this petition filed under Section 482, Cr.P.C. is for quashing the order dated 15.04.2006 (Annexure P/4) passed by Sub Divisional Judicial Magistrate, Dasuya whereby the petitioner has been declared proclaimed offender in case FIR No.64, dated 6.6.2001, under Sections 435, 427, 447, IPC registered at Police Station Dasuya, District Hoshiarpur.

The aforesaid FIR was registered against the petitioner and other co-accused as referred in para No.2 of the petition. Since all the offences are bailable, the petitioner was admitted on bail. The petitioner was earning his livelihood by driving a truck and had gone on a truck for his employment.

Learned counsel for the petitioner submits that an oral compromise was effected between the complainant and the petitioner, and was subsequently reduced into writing, which is annexed as Annexure P/2/1. The factum of compromise was also admitted by the complainant, Chanan Singh vide affidavit dated 15.12.2009 (Annexure P/2/2). In order to earn his livelihood, the petitioner had left India in the year 2004 and had gone to Russia and from there onwards to England via Muscat. During his absence, the trial court issued non-bailable warrants of arrest of the petitioner.

Learned counsel for the petitioner contends that since the petitioner was not in India and had gone abroad to earn his livelihood, he was not served in this case. In this manner, summons could not be served upon the petitioner.

Upon notice, Mr.Amit Kohar, Advocate has put in appearance on behalf of the complainant, namely, Chanan Singh and does not oppose the prayer of the petitioner. Chanan Singh is also present in the court and is identified by his counsel.

Considering the fact that the offences made in the FIR are not serious in nature and are bailable, the petitioner has shown sufficient cause to state that he has gone abroad to earn his livelihood and could not appear before the trial court. Accordingly, the order dated 15.04.2006 (Annexure P/4) passed by Sub Divisional Judicial Magistrate, Dasuya wherein he was declared proclaimed offene, is set aside provided the petitioner surrenders before the trial court within four weeks from today. In case the petitioner fails to

appear within the aforesaid period, the P.O. order shall automatically revive. In the event of his surrender before the trial court, the trial court shall grant him bail subject to his furnishing bail/surety bonds to the satisfaction of the trial court.

Petition is disposed of with the aforesaid terms.

[Hari Pal Verma]
Judge

07.08.2015
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