

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

**CRM No.M-29021 of 2015 (O&M)
Date of Decision: March 28, 2016**

Avtar Singh alias Tara

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Sarika Gupta, Advocate for the petitioner.
Mr. P.S. Paul, DAG, Punjab.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Despite service, none has appeared for the LR's of respondent No.2.

Impugned in the present petition filed under Section 482 Cr.P.C. is the order dated 25.03.2010 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, S.B.S. Nagar, Nawanshahr, vide which present petitioner Avtar Singh was declared proclaimed offender and FIR under Section 174-A IPC was ordered to be registered against him.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that now, the present petitioner has surrendered before the lower court.

Learned State counsel, on instructions from ASI Bhagwant Singh, states that supplementary challan will be presented shortly.

Once, the petitioner surrenders before the lower court, the order of declaring him as proclaimed offender will cease to have any effect. However, the petitioner remained proclaimed offender for five years and the FIR under Section 174-A IPC cannot be quashed on the ground that after five years, he has surrendered before the lower court. It has to be decided on its own merits, considering all the facts and circumstances.

As such, the present petition stands disposed of.

March 28, 2016
sarita

(KULDIP SINGH)
JUDGE