

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3768 of 2016 (O&M)

Date of Decision: 02.05.2016

Amardeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arnav Sood, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 482 Cr.P.C read with section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case Cross Case/DDR No.30 (A) dated 25.5.2009 registered under sections 323, 324, 34 I.P.C in F.I.R No.77 dated 24.5.2009 under sections 323, 324, 34 I.P.C (section 326 was added later on) at Police Station, Mahilpur, District, Hoshiarpur.

Further prayer is for quashing of order dated 7.12.2015 (Annexure P-5) passed by the learned J.M.I.C., Hoshiarpur in terms of which the petitioner was declared as a Proclaimed Offender.

On 4.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 482 Cr.P.C read with section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case Cross Case/DDR No.30 (A) dated 25.5.2009 registered under sections 323, 324, 34 I.P.C in F.I.R No.77 dated 24.5.2009 under sections 323, 324, 34 I.P.C (section 326 was added later on) at Police Station, Mahilpur, District, Hoshiarpur. Challenge has also been raised to the order dated 7.12.2015

(Annexure P-5) passed by the learned J.M.I.C., Hoshiarpur declaring the petitioner as a Proclaimed Offender.

Counsel for the petitioner would contend that during the course of investigation petitioner had been found to be innocent and it is only on account of an application moved by the prosecution under section 319 Cr.P.C having been allowed that the petitioner has been summoned as additional accused. It is also submitted that no overt act/injury has been attributed to the present petitioner. In so far as the order declaring the petitioner as a Proclaimed Offender, it is contended that due procedure has not been followed and even the statement of the Serving Constable had not been recorded prior to issuing of the P.O order.

Notice of motion, returnable for 2.5.2016.

In the meanwhile, petitioner is directed to appear before the Trial Court on the date already fixed i.e. 23.3.2016.

In the event of the petitioner doing so, he would be entitled to ad interim protection as regards arrest subject to satisfaction of the Trial Court.”

It has gone uncontroverted that in pursuance to the directions issued by this Court the petitioner has appeared before the Trial Court on 23.3.2016 and has been admitted to interim bail subject to satisfaction of the Trial Court.

The petitioner having joined the trial proceedings, the prayer made in the present petition is accepted in terms of making the order dated 4.2.2016 absolute.

Needless to observe that having joined trial proceedings the order dated 7.12.2015 declaring the petitioner as a Proclaimed Offender would not survive.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2016