

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

Criminal Misc. No. M-41530 of 2015

Date of Decision:-06.05.2016

Baljinder Singh Khehra

...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. Loveneet Thakur, Advocate for
Mr. R.S. Bains, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.131 dated 27.8.2009, under Sections 15-17-18-18B of Unlawful Activities Prevention Act, 1967 (Annexure P-1/T), registered at Police Station Sarabha Nagar, District Ludhiana City. Challenge has also been made to the order dated 17.3.2012 declaring the petitioner as proclaimed offender as provided under Section 82 Cr.P.C.

At the outset, learned counsel for the petitioner does

not press the prayer for quashing of FIR and states that since the other co-accused have been acquitted by the learned trial Court, he is ready to join the investigation, and if necessary to face the trial. Accordingly, he has confined his prayer to the order dated 17.3.2012 whereby the learned Chief Judicial Magistrate, Ludhiana, having recourse to Section 82(1) Cr.P.C. declared the petitioner as proclaimed offender.

Learned counsel for the petitioner further states that the petitioner is a permanent NRI and residing in Canada for the last number of years. He was unaware about the registration of the FIR against him as his name did not figure in the FIR. No summons or warrants, if any issued, were never received by him. Therefore, the order dated 17.3.2012 declaring the petitioner as proclaimed offender is without his knowledge. However, he submits that the petitioner is ready to surrender before the trial Court and to face the proceedings.

Learned State counsel on instructions from ASI Jitender Singh states that the petitioner is a proclaimed offender and states that though his name is not in the FIR but his name has cropped up during the disclosure statement of co-accused.

Be that as it may, since the present petition is not being pressed for quashing of FIR, it is not necessary to comment on the merits of the case.

I have heard learned counsel for the parties.

Learned counsel for the petitioner has very fairly stated that the petitioner is ready to surrender before the trial court. He was not in the knowledge of the order dated 17.3.2012 declaring him as proclaimed offender. As and when it came to his notice, he immediately come to India and accordingly, he is ready to face the trial, if any.

The prayer put forward by learned counsel for the petitioner carries some weight. Accordingly, in case the petitioner surrenders before the trial Court within a week from today, the trial Court shall admit the petitioner on bail subject to his furnishing bail bonds/ surety bonds to its satisfaction.

With the aforesaid directions, the present petition stands disposed of.

May 06, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE