

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

CRM-M-No.9561 of 2015

Decided on:-10.05.2016.

Balvir Singh

.....Petitioner

Versus

Vijay Kumar

.....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.D.S. Malwai, Advocate for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer made in the instant petition filed under Section 482 Cr.P.C. is for quashing the order dated 16.03.2010 passed by Sub Divisional Judicial Magistrate, Garshankar, Distt. Hoshiarpur (Annexure P-6), whereby the petitioner was declared as a proclaimed offender in a Complaint case No.18/07, decided on 20.05.2011 (Annexure P-2).

Learned counsel for the petitioner contends that the date on which the proclamation order was passed i.e. 16.03.2010, no CW was present and the case was adjourned to 06.07.2010 for complainant evidence after notice.

Learned counsel for the petitioner outrightly submits that as far as the prayer for quashing of Complaint case No.18/07, decided on 20.05.2011 (Annexure P-2) is concerned, he does not

press that prayer at this stage. However, he submits that the petitioner is living abroad and the factum of proclamation order dated 16.03.2010 was never brought to his notice. He further submits that since the complaint filed by respondent-Vijay Kumar is for the offence punishable under Sections 323, 504 and 506 IPC, the petitioner be allowed to surrender before the learned trial Court and the learned trial Court may be directed to admit him on bail, as he is ready to face the trial in the complaint case.

Heard.

Without expressing any opinion on the merits of the complaint case and considering the fact that the proclamation order dated 16.03.2010 was not within the knowledge of the accused-petitioner, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court.

It is made clear that in case, the petitioner surrenders before the trial Court within two months from today, the trial Court shall admit him on bail subject to his furnishing bail/surety bonds to its satisfaction.

However, expression made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the complaint case in accordance with law.

May 10, 2016
Anjal

(HARI PAL VERMA)
JUDGE