

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

Criminal Misc. No. M-9784 of 2016

Date of Decision:-29.04.2016

Tarsem Lal

...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. Sarju Puri, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of order dated 4.9.2012 (Annexure P-4) passed by the Sub Divisional Judicial Magistrate, Phagwara, whereby the petitioner was declared proclaimed person under Section 82(4) Cr.P.C. during trial in case FIR No.82 dated 26.6.2004, under Sections 420, 466, 467, 468 and 471 IPC, registered at Police Station Phagwara, District Kapurthala.

Learned counsel for the petitioner has argued that the

order declaring the petitioner as proclaimed person under Section 82(4) Cr.P.C. was passed without pursuing the process of law. The petitioner being non-resident Indian was not present in India at the time of registration of the FIR and even thereafter at the time of passing the order dated 4.9.2012.

This Court vide order dated 21.3.2016 while issuing notice of motion has directed the petitioner to surrender before the trial Court on or before 5.4.2016 and further directed the trial Court to admit the petitioner on bail subject to his furnishing bail bonds/surety bonds to its satisfaction.

Learned counsel for the petitioner contends that pursuant to order dated 21.3.2016, the petitioner has surrendered in the Court of SDJM, Phagwara on 5.4.2016 and the trial Court has admitted him on bail.

Learned counsel for the petitioner has placed on record the certified copy of the order dated 5.4.2016 passed by the SDJM, Phagwara substantiating the fact that the petitioner has surrendered before the trial Court and has been released on bail. Learned counsel for the petitioner undertakes that he will face the trial in accordance with law and will not hamper the proceedings in any manner and will not adopt the delayed tactics during the course of the trial.

Learned State counsel does not dispute the aforesaid fact and submits that the petitioner has surrendered before the

trial Court and has been admitted on bail.

Accordingly, considering the fact that the petitioner has shown his intention to face the trial and surrendered before the trial Court pursuant to order dated 21.3.2016 and has been admitted on bail, the order dated 4.9.2012 declaring the petitioner as proclaimed person is set aside.

Disposed of.

April 29, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE