

**134-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-11146-2017
Date of decision-03.04.2017**

**Gurvinder Singh @ Rinku
Vs.
State of Punjab and another**

**...Petitioner

...Respondents**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manpreet Singh, Advocate for the petitioner(s).

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code (in short Cr.P.C) has been filed for quashing of the order dated 15.11.2016 passed by Judicial Magistrate First Class, Kapurthala whereby the petitioner was declared proclaimed offender in FIR No.147 dated 16.11.2015 registered under Section 307 read with Section 34 of the Indian Penal code and Section 25 of Arms Act at Police Station Nurpurbedi.

Learned counsel for the petitioner contends that the challan so far has not been presented in the matter. Though the gun shot injury attributed to the petitioner, however, it was a result of accidental firing and the FIR was registered without verifying the facts on record. The compromise had already been reached between the parties which had not been recorded earlier. The petitioner was under *bona fide* belief that his presence before the trial Court is not required. The solitary absence of the petitioner from the process of the Court was neither intentional nor wilful.

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

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned counsel, in the Court.

Mr. P.S.Bajwa, Advocate causes representation on behalf of the complainant and admits the factum of compromise.

In the circumstances, it is ordered that in case the petitioner surrenders before the competent Court within a week from today, he be admitted to bail, on his furnishing adequate bail bonds/surety bonds, to its satisfaction.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

April 03, 2017
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No