

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

CRM-M-11184 of 2017.

Decided on:-12.09.2017.

Hardev Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed present petition under Section 482 read with Section 483 Cr.P.C. seeking quashing of the entire proclamation proceedings including the orders dated 27.09.2013 (Annexure P-1), dated 03.10.2013 (Annexure P-2) and dated 25.01.2014 (Annexure P-5) passed by learned Judicial Magistrate 1st Class, Nakodar in case bearing FIR No.133 dated 12.11.2012 under Sections 420/467/468/471/120-B IPC registered at Police Station Mehatpur, District Jalandhar (Annexure P-13).

Learned counsel for the petitioner has argued that the petitioner is permanently settled in U.K. and he left India on 31.05.2011. He came back to India on 28.09.2011 and had gone back to U.K. on 04.01.2012. however, the FIR in question was registered against him on 12.11.2012 in his absence. Since the petitioner was living in U.K., he was not aware of the registration of the above FIR. After 04.01.2012, the petitioner has never returned to India

and in this manner, the proceedings under Section 82 Cr.P.C. have been initiated against the petitioner at his back without adhering to the laid down procedure of law.

He has further argued that at this stage, the petitioner is ready to surrender before the trial Court and to face trial. He has prayed that the petitioner may be protected from arrest.

On the other hand, learned State counsel has argued that the petitioner has impersonated the complainant, who is his real brother.

Having heard learned counsel for the parties and without making any observation on the merits of the case, but considering the fact that the petitioner has shown his inclination to appear before the trial Court and to face the trial in accordance with law, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within one month from today, the trial Court shall admit him on bail subject to furnishing adequate bail bonds and surety bonds by the petitioner to the satisfaction of the trial Court.

It is made clear that since the petitioner is ready to face the trial, he shall not be arrested from the airport in the present case on his arrival.

September 12, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No