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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: - 11.9.2017

(1) CRM-M-12516-2017 (O&M)

Parvinder Singh @ Parminder Singh @ BhindaPetitioner

versus

State of Punjab and anotherRespondents

(2) CRM-M-12517-2017 (O&M)

Parvinder Singh @ Parminder Singh @ BhindaPetitioner

versus

State of Punjab and anotherRespondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. M.S. Atwal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

ARVIND SINGH SANGWAN, J (ORAL)

This order shall dispose of above mentioned two petitions i.e. **CRM-M-12516-2017**, wherein the petitioner seeks grant of anticipatory bail to the petitioner in case complaint under Section 323, 447, 452, 504, 506, 342, 148 and 149 IPC bearing No. 67 of 2002, instituted on 3.10.2002/21.12.2009 (Annexure P-1) and **CRM-M-12517-2017**, wherein the petitioner seeks quashing of order dated 26.5.2010 (Annexure P-5), vide which the petitioner has been declared as proclaimed offender, pending before the Sub Divisional Judicial Magistrate, Dasuya.

Learned counsel for the petitioner submits that in pursuance to the order dated 11.4.2017, arrest of the petitioner was stayed and later on vide order dated 17.7.2017, petitioner was directed to appear before the trial Court and trial Court was directed to release the petitioner on interim bail.

Learned counsel for the petitioner further submits that petitioner has already appeared before the trial Court; has been granted regular bail and is facing trial. He further submits that in fact complaint was filed on 3.10.2002 with the allegation that on 11.8.2002, petitioner with other co-accused has committed the aforesaid offence. He further submits that said complaint was dismissed for non prosecution on 13.6.2007 and thereafter, petitioner had gone abroad. In the meantime, complaint was restored by the Additional Sessions Judge vide order dated 15.12.2009 (Annexure P-3).

It is further submitted by learned counsel for the petitioner that on the date when the case was restored back, petitioner was not in India and therefore, the proclamation was issued against him without following the provisions under Section 82/83 Cr. P.C on 26.5.2010. He further submits that petitioner and the other co-accused who have faced the trial, have already been released on probation vide judgment dated 21.3.2011 and the probation period is already over. He further submits that petitioner, who has returned back to India on 24.2.2017, has filed the present petition for grant of anticipatory bail as well as quashing of the order dated 26.5.2010, vide which the petitioner was declared Proclaimed Offender.

After hearing learned counsel for the parties, I find merit in the present petition. At the time, when the complaint was restored back, petitioner was not in India and later on proceedings for declaring him as proclaimed offender were initiated against him.

In view of the fact that petitioner has already put in appearance before the trial Court and facing the trial, order dated 26.5.2010 passed by the learned Sub Divisional Judicial Magistrate, Dasuya declaring the petitioner as proclaimed offender is set aside and order dated 17.7.2017 granting interim bail to the petitioner is made absolute.

Disposed of.

A photocopy of this order be placed on the connected file.

11.9.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No