

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-23530 of 2014

Date of Decision: 21.3.2017

Gagandeep Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Sushma Chopra, Advocate
for the petitioner**

Mr. Ankur Jain, AAG, Punjab

Rekha Mittal, J.

By invoking Section 482 of the Code of Criminal Procedure (in short Cr.P.C.”), the petitioner prays for quashing of FIR No. 401 dated 13.9.2005 registered under Sections 363, 366, 376 of the Indian Penal Code (in short “IPC”) at Police Station, Nakodar District Jalandhar as well as order dated 14.7.2006 (Annexure P-2) whereby the petitioner has been declared as a proclaimed offender and proceedings emanating therefrom.

Counsel for the petitioner has submitted that as the petitioner has already surrendered and is in custody, order declaring him as a proclaimed offender ceases to exist, therefore, the petitioner does not press his claim for setting aside order dated 14.7.2006.

It is further submitted that initially, challan was presented against Paramjit Singh son of Harjit Singh. However, in pursuance of an application filed by the prosecution under Section 319 Cr.P.C., Jaswinder Pal son of Charanjit Singh, Harvinder Singh @ Binder son of Kuldev Singh,

Ranjit Singh @ Sonu son of Jaspal Singh, Manjit Kaur wife of Jaspal Singh and the present petitioner Gagandeep Singh were summoned as additional accused. The trial faced by Paramjit Singh and others except Harvinder Singh @ Binder and present petitioner culminated in judgment of acquittal dated 15.6.2007 (Annexure P-3) passed by the Additional Sessions Judge (Adhoc), Jalandhar. Harvinder Singh @ Binder being a juvenile faced proceedings before the Juvenile Justice Board and was acquitted vide judgment dated 2.7.2010 (as informed by State counsel on instructions from ASI Kulwinder Singh).

Counsel would submit that the present petition may be disposed of but some directions may be issued to the prosecution to file supplementary challan within a stipulated period and thereafter the trial court to conclude the trial in a time bound manner.

Counsel for the State of Punjab has submitted that supplementary challan would be presented within a period of 15 days.

Taking into consideration that co accused in the case have already been acquitted by the courts coupled with the fact that the petitioner is in custody, the present petition stands disposed of with a direction to the trial court to conduct day-to-day proceedings after framing of charge, if any and conclude the prosecution evidence within a period of three months from the date of framing of charge.

(Rekha Mittal)
Judge

21.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No