

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

CRM-M-24010 of 2017.
Decided on:-July 24, 2017.

Lovdeep Rai.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Rai Singh Chauhan, Advocate
for respondent No.2.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.PC is for quashing of FIR No.93 dated 19.11.2007 under Sections 323, 324, 148, 149 and 325 (added later on) IPC, registered at Police Station Narot Jaimal Singh, District Gurdaspur, now District Pathankot (Annexure P-1) along with all subsequent proceedings as well as order dated 17.07.2013 (Annexure P-2) whereby the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner states that the petitioner is not pressing the prayer for quashing of the FIR and confines his case to the impugned order dated 17.07.2013, whereby he was declared as a proclaimed person.

Learned counsel for the petitioner contends that during the relevant period, the petitioner was out of India and was a student pursuing his MBBS course from Russia. Therefore, he could not appear before the

trial Court on the relevant date and was declared as a proclaimed person. However, the petitioner is ready to surrender before the trial Court and to face the proceedings arising out of the aforesaid FIR.

On the other hand, learned counsel for respondent No.2 states that the co-accused in the case were convicted by the trial Court and it was at the appellate stage, the matter was compromised between the complainant and the other co-accused, who were convicted by the trial Court. Memo of Appearance filed on behalf of respondent No.2 in the Court today, is taken on record.

Heard.

Be that as it may, when the petitioner has shown his inclination to face the trial in the aforesaid FIR and the fact that during the relevant period when the proceedings under Section 82 Cr.PC were initiated, the petitioner was abroad having pursued his MBBS course in Russia, the present petition is allowed to the extent that the impugned order dated 17.07.2013 (Annexure P-2) is set aside subject to the condition that the petitioner shall surrender before the trial Court within ten days from today and shall seek bail before the trial Court.

On doing so, the trial Court shall release the petitioner on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

July 24, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No