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

CRM-M-3138 of 2017

Date of decision: May 12, 2017

Jagsir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

In the present petition, petitioner seeks quashing of order dated 23.12.2009 declaring him proclaimed offender in FIR No.6 dated 10.01.2005, under Sections 365, 506, 149, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner submits that in the stated FIR, the petitioner was declared as proclaimed offender. Since the petitioner was not in the Country, he was not knowing about the said FIR case against him. He further submits that if the petitioner is given a chance to appear before the trial Court and defend the proceedings, the petitioner would join the proceedings before the trial Court and participate therein, if he is allowed liberty during trial.

In my opinion, since the petitioner was not in India and was in the foreign Country for number of years, in order to give one chance to the petitioner to have liberty pending trial without finding

any fault with the trial Court order, an opportunity is given to the petitioner.

In that view of the matter, this petition is disposed of. Order dated 23.12.2009 (Annexure P-2) declaring the petitioner as proclaimed offender is quashed and set aside. Petitioner shall appear before the trial Court in FIR in question and shall be released on bail by the trial Court on such terms and conditions would be deem fit. The petitioner shall then participate in the trial with promptitude and shall not make any default in appearance. Liberty is granted to the trial Court to take the petitioner in custody in case he does not regularly appear before the trial Court and makes any fault in appearance.

(A.B. CHAUDHARI)
JUDGE

May 12, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No