

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-36145-2017 (O&M)

Date of decision: 14.12.2017

Jasvir Singh Shahi

...Petitioner

Versus

U.T. Chandigarh

...Respondents

CORAM: HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurmohan Singh Bedi , Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, Addl. Public Prosecutor.
with Mr. Surinder Gautam Sub Inspector.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 05.02.2005 declaring the petitioner as proclaimed offender in case FIR No. 182 (Annexure P-1) dated 28.06.2004 under Sections 364, 365, 323, 383, 506 and 120-B IPC registered at Police Station West, Chandigarh.

The petitioner was directed to appear before the trial Court on interim bail subject to payment of cost of ₹ 2,00,000/- to be deposited in the Government Treasury.

Learned counsel for the petitioner submits that he has already appeared before the trial Court and has deposited the cost of ₹2,00,000/- in the Government Treasury and the receipt of the same is placed on record. He has been granted bail by the trial Court on 13.10.2017.

Learned counsel for the petitioner further submits that co-accused namely Tarsem Singh, Gurdev Singh, Sukhdev Singh, Lakhwinder Singh & Arwinder Singh have already faced a full length trial and they have been acquitted by the Additional Sessions Judge vide its judgment dated 31.01.2008 (Annexure P-2).

Learned counsel for the petitioner further submits that the FIR pertains to the years 2004 and the petitioner has gone abroad since the year 2002 and thereafter he has not returned back to India after the registration of the aforesaid FIR and therefore, the petitioner was not aware of the proceedings initiated by the trial Court.

It is further submitted that since the petitioner was not residing in India. He was neither served with the warrants issued by the trial Court nor the proclamation under Section 82 (1) Cr.P.C. Was made at a place which an ordinary place of residence of the petitioner.

Considering the fact that the petitioner has now appeared before the trial Court and is facing trial; co-accused have already been acquitted by the trial Court; the petitioner has paid the costs of ₹2,00,000/- on account of delaying the proceedings; in view of the fact that the petitioner was residing abroad and was not served with the proclamation issued under Section 82 Cr.P.C. The impugned order dated 05.02.205 declaring the petitioner as a proclaimed offender in FIR No. 182 (Annexure P-1) dated 28.06.2004 under Sections 364, 365, 323, 383, 506 and 120-B IPC registered at Police Station West, Chandigarh is set

aside.

The petition stands disposed of.

14.12.2017

(ARVIND SINGH SANGWAN)
JUDGE

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>