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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3842-2017 (O&M)
Date of decision: - 23.8.2017

Harjinder Singh @ Rinku

.....Petitioner

versus

The State of Punjab and another

.....Respondents

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

Present: - Mr. Kartik Gupta, Advocate for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 482 Cr. P.C. seeking quashing of the order dated 7.2.2015 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Hoshiarpur, whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that petitioner was initially declared innocent and was kept in coloumn No. 2 and later on in an application filed under Section 319 Cr. P.C. by the prosecution, petitioner was summoned as an additional accused. At that time, petitioner was not present in India and proceedings were initiated against the petitioner declaring him as proclaimed offender without following the proper procedure laid down under Section 82 Cr. P.C.

Learned counsel for the petitioner further submits that other four co-accused have already been acquitted on the basis of compromise between the parties vide order dated 22.3.2016 and the petitioner has also filed CRM-M-5304-2017 for quashing of the FIR No. 212 dated 10.10.2007 on the basis of the compromise, in which statement of the parties have already been recorded and

report of the trial Court has also been received.

On the other hand, it is submitted on behalf of learned State counsel that petitioner has not obtained permission from the Court before leaving the country.

In view of above facts and circumstances, present petition is allowed and the order passed by the trial Court dated 7.2.2015, declaring the petitioner as proclaimed offender is set aside, subject to payment of cost of ₹ 15,000/- as costs, to be deposited with the District Legal Services Authority, Hoshiarpur.

Allowed in the above terms.

(ARVIND SINGH SANGWAN)
JUDGE

23.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No