

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

CRM-M-38782-2017(O&M)

Date of decision: 13.10.2017

Navtej Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.S. Jaswal, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. seeking quashing of Criminal Complaint No. 144 dated 05.10.2001, under Sections 406/498-A/506/120-B IPC, Police Station Beas, District Amritsar and the impugned order dated 28.02.2003 (Annexure P-4) whereby the petitioner has been declared as a proclaimed offender by learned SDJM, Baba Bakala.

Learned counsel for the petitioner contends that the aforesaid Criminal Complaint by respondent No.2-Rajbir Kaur i.e. petitioner's wife, was filed against the petitioner, his parents and other family members. He was not present in India on the date when the order dated 28.02.2003 (Annexure P-4) was passed declaring him proclaimed offender. In fact, the petitioner was residing in Italy at that point of time. It is contended that there was no adequate compliance of Section 82 Cr.P.C. The complainant was aware of the fact that the petitioner had gone abroad as would be reflected in the order dated 16.11.2002. It is also contended that the co-accused i.e. parents of the petitioner, who were summoned in the said

complaint case have already been acquitted by learned Sub Divisional Judicial Magistrate, Baba Bakala by order dated 31.10.2008. The petitioner has arrived in India and is ready to face trial, however, prays for stay of his arrest.

I have heard learned counsel for the petitioner and perused the case carefully.

At this stage, petitioner's counsel prays for withdrawal of prayer of quashing of criminal complaint. Ordered accordingly.

Although there is non-compliance of Section 82 Cr.P.C. but the petitioner is ready to join proceedings. The petitioner herein is directed to appear before the trial Court within a period of ten days. The arrest of the petitioner is stayed for a period of ten days in order to enable him to join the proceedings before the trial Court. In case, he does appear and move appropriate application for setting aside the order declaring him as a proclaimed offender as well as for grant of bail, he shall be admitted to bail by the trial Court to its satisfaction.

However, it is made clear that in case the petitioner does not present himself before the Court below within the specified time, any protection granted by this Court shall stand automatically vacated.

The petition stands disposed of accordingly.

13.10.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.