

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

CRL. MISC. No.M-40732 OF 2017 (O&M)
DATE OF DECISION : 14th DECEMBER, 2017

Nirmal Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondents

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

* * * *

Present : Mrs. Gursharan K. Mann, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion to State of Punjab only.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab, accepts notice
on behalf of the State.

In view of short controversy involved notice to respondent
No.2 is not required to be issue.

Rule.

Heard forthwith with consent of counsel for the rival parties.

Following is the prayer in the present petition:

“First Petition under Section 482 of the Code of
Criminal Procedure for quashing of order dated
22.12.1995 (Annexure P-2) passed by the learned
JMIC, Amritsar vide which the petitioner has been
declared proclaimed offender contrary to the
provision of law and FIR no.134 dated 02.09.1994

u/s 304-A/ 279/ 337/ 338 of IPC, registered at
Police Station Sadar Amritsar (Annexure P-1).”

Learned counsel for the petitioner submits that the trial in respect of the other accused as rendered in conviction. The said accused was the driver of the bus in question whereas the petitioner was conductor of the bus. The present petitioner was declared proclaimed offender vide order dated 22.12.1995 (Annexure P-2). The petitioner did not appear because he was in England. Now the petitioner has come back to India and would like to attend the trial.

Learned counsel for the petitioner, on instructions from the petitioner, makes categorical statement that the petitioner would join the trial and therefore he should be allowed to do so. Though there is huge delay in challenging the impugned order, I find that the delay was because the petitioner was out of country for number of years. However since now the petitioner wants to join the trial and cooperate with the trial Court and looking to the role played by him namely that he was conductor in a bus involved in the accident in question, I do not think that any useful purpose will be served if the impugned order holds the field. In the result I make the following order:

ORDER

- (i) Rule is made absolute in terms of the prayer as reproduced above.
- (ii) Impugned order dated 22.12.1995 passed by the learned JMIC, Amritsar (Annexure P-2), is set aside.
- (iii) In the event of arrest the petitioner be released on anticipatory bail in the present case on furnishing fresh bail

bonds to the satisfaction of the trial Court, subject to deposit of non-refundable cost amount of ₹1,000/- with the trial Court to be forfeited to the State of Punjab.

- (iv) The petitioner would continue to appear before the trial Court with promptitude till the completion of trial.
- (v) Any further default would be viewed seriously by the trial Court.

14th DECEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>