

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7753 of 2017

Date of decision: 19.07.2017

Gagan Deep Singh Rajput

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Simranjeet Kaur, AAG, Punjab.

Hari Pal Verma, J.

Petitioner – Gagan Deep Singh Rajput has filed the present petition under Section 482 Cr.PC for quashing the order dated 29.08.2012 (Annexure P-10) passed by Addl. Chief Judicial Magistrate, SBS Nagar whereby he has been declared proclaimed offender in case FIR No.02 dated 04.01.2011 registered under Section 406 and 420 IPC at Police Station City SBS Nagar.

On 07.03.2017, while issuing notice of motion this Court passed the following order:

“Learned counsel of the petitioner contends that as per entries made in the passport of the petitioner, he was in Australia on 04.08.2010. FIR No.02 was registered against the petitioner on 04.01.2011 for the offences under Sections 406, 420 IPC at Police Station SBS Nagar, in which no date of commission of the offences was shown. Petitioner was declared

as a proclaimed offender vide order dated 29.08.2012. Now the petitioner intends to join the proceedings.

Notice of motion for 24.04.2017.”

Learned counsel for the petitioner has contended that the petitioner is in Australia since 04.08.2010 and it is thereafter the aforesaid FIR was registered against him. Since he was out of India, Ld. Additional Chief Judicial Magistrate declared him as Proclaimed Offender vide order dated 29.08.2012. Non-appearance of the petitioner on the relevant date was for the reason that he was in Australia and was not aware of such proceedings against him including FIR. However, now the petitioner is ready to surrender before the Trial Court and to face the trial in accordance with law.

Learned State counsel on instructions from ASI Harpal Singh states that the allegations against the petitioner are serious and therefore, the petitioner does not deserve any interim protection.

I have heard learned counsel for the parties and perused the record with their assistance.

Taking into consideration the fact that the FIR was registered on 04.01.2011 and before registration of the FIR, the petitioner was already in Australia as he had gone to Australia on 04.08.2010. It can be presumed that he may not be aware of registration of FIR or any of the proceedings pursuant to the aforesaid FIR.

Accordingly, the present petition is disposed of with direction that in case the petitioner surrenders before the Trial Court within a month from today, the trial Court shall admit him on bail subject to condition/s as

may be put by learned Magistrate.

Since the petitioner is in Australia and is ready to face the trial,
it is ordered that when the petitioner comes to India, he shall not be arrested
at the Airport.

(HARI PAL VERMA)
JUDGE

19.07.2017
sonia

- | | |
|----------------------------------|--------|
| 1.Whether speaking/non-speaking? | Yes |
| 2.Whether reportable? | Yes/No |