

205.

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

CRM-M-172-2017 (O&M)

Date of decision:15.11.2018.

RANDHIR SINGH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Vinod K. Kanwal, Advocate, for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 01.07.2013 (Annexure P-11) passed by learned Judicial Magistrate Ist Class, Kurukshetra, whereby the petitioner was declared proclaimed offender as provided under Section 82 of Cr.P.C.

Learned counsel for the petitioner has argued that though the FIR in the case was registered on 23.12.2007 and the petitioner left India on 24.05.2008. It is only on an application filed at the behest of the prosecution under Section 319 Cr.P.C., the petitioner was ordered to be summoned to face trial vide order dated 07.05.2012. Thus, while the petitioner was in India, he was not an accused though was put in column No.2 of the challan. Now, the matter has been compromised between the parties. He refers to compromise deed entered between the parties on 20.02.2014. The petitioner is ready to surrender before the trial Court and to face trial in accordance

Learned counsel appearing on behalf of complainant does not dispute the compromise deed dated 20.02.2014 as entered between the parties.

I have heard learned counsel for the parties.

The FIR was registered on 23.12.2007. The petitioner was not arrayed as an accused in the challan. He left India on 24.05.2008 and it is only on an application filed under Section 319 Cr.P.C., he has been summoned as an accused by the trial Court vide order dated 07.05.2012.

Since the petitioner has shown his inclination to surrender before the trial Court and to face trial or the other proceedings, the order dated 01.07.2013 (Annexure P-11) whereby he was declared a proclaimed offender, is hereby set aside. However, he is directed to appear before the trial Court on or before 15.01.2019 and in case, he appears before the trial Court, he shall be admitted on bail subject to his furnishing adequate fresh bail bonds/surety bonds to the satisfaction of the trial Court. He shall also furnish an undertaking to the effect that he shall not leave the country without prior permission of the trial Court. However, that would be subject to payment of costs of Rs.20,000/- to be deposited with the High Court Lawyers Welfare Fund.

Accordingly, present petition is disposed of.

(HARI PAL VERMA)
JUDGE

15.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.