

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

Crl. Misc. M 18893 of 2018 (O&M)
Date of decision: 21.11.2018

Balwinder Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. Lavinder Sofat, AAG, Punjab.

Mr. Mohd. Yoosaf, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No. 288 dated 1.12.2008 registered under Sections 307, 498-A, 34 IPC at Police Station Sadar Phagwara, District Kaputhala as well as the order dated 27.3.2009 passed by the Judicial Magistrate 1st Class, Phagwara, by which the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner contends that in fact the matter has been compromised between the parties. He was not present in India when the summons were issued against him and, therefore, he could not put in appearance in the Court and thus was declared proclaimed offender. It is also argued that co-accused in the said FIR has already been

acquitted on the basis of the compromise that has arrived between the parties. It is submitted that the petitioner herein is ready to face the proceedings in the said FIR and prays for stay of his arrest at the airport in order to enable him to appear before the trial court and face trial.

Appearance has been caused on behalf of respondent No.2, who opposes the prayer made by submitting that the petitioner was declared proclaimed offender. However, he is not in a position to deny the fact that the co-accused has already been acquitted on the basis of the compromise arrived at between the parties.

I have heard learned counsel for the parties and keeping in view the facts that the co-accused has been acquitted; the petitioner was not present in India when summons were issued him and declared as proclaimed offender under Section 82 of the Code of Criminal Procedure, this petition is allowed limited to the prayer that the arrest of the petitioner is stayed for a period of one month from the date of receipt of a copy of this order, so as to enable him to appear before the trial and face trial. However, it is made clear that in case the petitioner does not appear before the trial court within the stipulated period, the interim protection allowed to the petitioner shall stand vacated automatically.

The petition stands disposed of accordingly.

21.11.2018

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No