

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

CRM-M-20909-2018

Date of decision: 19.09.2018

Rupinder Singh @ Bhupinder Singh @ Pinder

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 06.09.2010 passed by the trial Court, vide which the petitioner was declared a proclaimed offender in FIR No.106 dated 12.04.2003 under Sections 148, 149, 323, 324, 426, 452, 427, 186, 506 IPC, registered at Police Station Shahabad, District Kurukshetra and all the consequential proceedings arising therefrom.

On 17.05.2018, following order was passed by this Court: -

“Learned counsel for the petitioner submits that during pendency of the trial, petitioner had travelled to U.K. and on that account, he could not appear before the trial Court and was declared a proclaimed offender. It is further submitted that co-accused of the petitioner, who had face the full length trial, have been acquitted by the trial Court vide judgment dated 27.01.2011, as injured and eyewitnesses, who are the star witnesses of the prosecution, had failed to support the prosecution case.

*Learned counsel for the petitioner further submits that now the petitioner has returned back from England and is ready to surrender before the trial Court and apply for fresh bail. Counsel for the petitioner has relied upon a judgment of the Division Bench of this Court in **Sudo Mandal @ Diwarak Mandal Vs. State of Punjab, 2011 (2) RCR (CrL.) 453** to submit that since injured/eyewitnesses have not supported the prosecution case against the other co-accused, no purpose will be served if the petitioner is directed to face the trial as no fresh evidence will come against him. The Hon'ble Division Bench in this case had quashed the FIR and the order declaring the accused a proclaimed offender as other co-accused were acquitted by the trial Court.*

Notice of motion for 19.09.2018.

In the meantime, petitioner is directed to appear before the trial Court within a period of 10 days from today and the trial Court/Successor Court/Illaq Magistrate will release the petitioner on interim bail subject to furnishing his fresh bail/surety bonds and on payment of costs of Rs.30,000/- to be deposited in the Govt. Treasury under a head nominated by the trial Court.

It is made clear that deposit of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.”

Learned counsel for the petitioner has placed on record photocopy of the order dated 23.05.2018 passed by Sub Divisional Judicial Magistrate, Shahabad, vide which, in compliance of the aforesaid order, the petitioner has appeared before the trial Court, deposited the costs of Rs.30,000/- in the Govt. Treasury on 23.05.2018 and is released on interim bail and is facing the trial.

Since the petitioner has already appeared before the trial Court and paid the costs of Rs.30,000/-, learned State counsel has no objection in

allowing the present petition.

Accordingly, this petition is allowed and the order dated 17.05.2018 passed by this Court is hereby made absolute.

19.09.2018
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No