

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

Crl. Misc. M-27004 of 2018 (O&M)
Date of Decision: July 02, 2018

Rahul Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Rishma Verma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking to challenge the order dated 06.02.2017 passed by Judicial Magistrate Ist Class, Jalandhar in FIR No.221 dated 23.07.2016, under Sections 376, 420 of Indian Penal Code, registered at Police Station Navi Baradari, Jalandhar, whereby the petitioner has been declared as a proclaimed person, on account of non-appearance in proceedings under the aforesaid FIR.

Learned counsel for the petitioner would rely upon passport Annexure P-3, which would reflect that the petitioner was not in India on 23.07.2016, on the date when the FIR was registered. In fact, he had left India on 29.06.2016 and returned only on 18.02.2018. It is also contended that there is inordinate delay in registration of the FIR since, the date of the

incident of which this complaint pertains to is of 07.12.2014.

I have heard learned counsel for the petitioner and have also perused the pleadings and documents.

In view of the fact that the petitioner herein is seeking quashing of the impugned PO order dated 06.02.2017 on the ground that he was not India, even at the time of registration of the FIR, the petitioner herein is directed to join the proceedings and appear/surrender before the trial court within a period of one week from today and on his doing so, he be released on bail by the trial court to its satisfaction. The PO order dated 06.02.2017 stands quashed accordingly.

The petition in hand stands allowed with the aforesaid directions. It is made clear that in case, the petitioner herein fails to appear/surrender before the trial court within the stipulated period of one week, the instant petition shall be deemed to be dismissed.

July 02, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No