

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

CRM-M-28391-2018 (O&M)

Date of Decision:-11.7.2018

Gursewak Singh alias Billa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narinder Singh Dadwal, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The present petition has been filed so as to challenge order dated 20.1.2018 passed by learned trial Court, whereby the petitioner has been declared a proclaimed offender in case FIR No.26 dated 7.3.2015 registered under Sections 323/341/506/356/34 of Indian Penal Code, 1860 at Police Station Division No.1, Ludhiana.

I have heard the learned counsel for the petitioner and have also perused the documents annexed with the petition including the impugned order.

The petitioner had initially been granted bail and had been appearing in the trial Court. However, the petitioner absented from the proceedings on 26.7.2017. Since his presence could not be secured, therefore, proclamation proceedings were initiated and ultimately on account of proclamation having been effected, he was declared a proclaimed offender vide order dated 20.1.2018.

In view of aforestated facts, it cannot be said that the petitioner was not in knowledge of the proceedings pending against him as he had been appearing in the trial Court.

The learned counsel has, however, submitted that it was on account of a compromise having been effected amongst the parties and an assurance having been given by the complainant regarding withdrawal of case that he did not come to the Court. However, the said contention cannot be accepted as there is no evidence or document to support his aforesaid contention of a compromise having been effected.

In these circumstances, I do not find any infirmity in the impugned order, whereby the petitioner has been declared a proclaimed offender and the same is hereby upheld.

However, in case the petitioner surrenders before the trial Court within a period of two weeks from today and files an application for grant of regular bail, the trial Court shall dispose of the same expeditiously preferably within a period of two days from filing such application.

The present petition stands disposed of accordingly.

11.7.2018

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No