

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

254

CRM-M-34907-2017(O&M)
Decided on : 26.11.2018

Sukhwinder Singh @ Binda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Sharma, Advocate for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

On 16.10.2018 following order was passed:-

“Prayer in the instant petition is for setting aside order dated 14.05.2007, vide which the petitioner was declared proclaimed offender.

The petitioner was on regular bail. However, on 22.08.2006, the petitioner was absented and his bail bonds and surety bonds were cancelled and later on, he was declared proclaimed offender vide impugned order dated 14.05.2007.

Learned counsel for the petitioner submits that in fact, the petitioner was under belief that since the matter is settled between the parties, the complainant will not support the prosecution version. However, when the petitioner declared proclaimed offender, the co-accused of the petitioner, who faced the full length trial, were acquitted vide order dated 11.06.2008(Annexure P-7) passed by learned Additional Sessions Judge, Jalandhar.

Learned counsel with reference to the said judgment (Annexure P- 7) have submitted that the injured witness PW-3 Rampal had failed to identify the accused person and had stated that the accused persons are not the one, who had caused injuries to him and the said witness was declared hostile and had even denied the statement under Section 164 Cr.P.C. On the basis of prosecution evidence, the Court came to the conclusion that prosecution had failed to lead any evidence.

Learned counsel for the petitioner submits that the petitioner is ready to surrender before the trial Court and applied for regular bail and faced the trial.

List again on 26.11.2018.

In the meantime, the petitioner is directed to surrender before the trial Court/Successor Court on or before 15.11.2018 and the trial Court/Successor Court will release him on interim bail, subject to his furnishing bail/surety bonds to its satisfaction. This shall, however, be subject to costs of Rs.50,000/-, to be deposited in the Government treasury.

Counsel for the petitioner submitted that in pursuance thereof petitioner has appeared before the trial court on 15.11.2018 and he has been released on interim bail subject to his furnishing bail/surety bonds. Learned counsel further submits that vide receipt dated 15.11.2018, petitioner has also deposited cost of Rs.50,000/- in the Treasury. Learned counsel has placed on record photocopy of the receipt and the order.

Learned State counsel on instructions of SI Atamjit Singh has not disputed the aforesaid facts. Further petitioner is regularly appearing before the trial court.

Order dated 14.05.2007 declaring the petitioner as proclaimed offender is set aside.

In view of the same, order dated 16.10.2018 is made absolute.

26.11.2018

pooja saini

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No