

254.

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

CRM-M-38842-2017

Date of decision:05.12.2018.

NAVEEN KUMAR

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.S. Bajaj, Advocate,
for the petitioner.

Mr.N.K. Banka, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.74 dated 15.05.2015 registered under Sections 306/34 of IPC at Police Station Bawa Khel, District Jalandhar (Annexure P-1) as well as order dated 17.10.2015 passed by learned Judicial Magistrate Ist Class, Jalandhar (Annexure P-2) whereby the petitioner has been declared Proclaimed Offender.

At this stage, learned counsel for the petitioner does not press the present petition qua the relief of quashing of FIR. However, he states that in the proceedings, which led to passing the order dated 17.10.2015 whereby the petitioner has been declared PO, the petitioner is ready to surrender before the trial Court and to face trial in accordance with law. He further

states that the co-accused have been acquitted by the trial Court vide judgment dated 08.03.2017 as the prosecution has failed to prove its case beyond shadow of reasonable doubt.

Learned State counsel, on instructions from HC Roop Lal, states that the present petition is not maintainable. Petitioner is required to surrender before the trial Court and to face trial.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has confined his prayer to the PO proceedings and the other co-accused have been acquitted by the trial Court, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within 10 days from today and furnish an undertaking that he is ready to face trial in the case, the trial Court shall admit him on bail subject to his furnishing bail bond/surety bond to its satisfaction. However, it would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

(HARI PAL VERMA)
JUDGE

05.12.2018

sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.