

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-40512-2016

Date of decision: 07.03.2018

Sukhmail Singh

..... Petitioner.

VS.

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Vishnav Gandhi, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr.Varun Sharma, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in this petition is for setting aside the order dated 14.03.2013 passed by the trial Court, vide which the petitioner was declared a proclaimed offender in a criminal complaint filed by respondent No.2.

Counsel for the petitioner submits that in pursuance to the order dated 06.02.2018, the petitioner has deposited the costs of ₹15,000/- with the District Legal Services Authority, Jalandhar. He further submits that subsequent to the filing of the complaint, the complainant has made a statement before the trial Court on 20.07.2016 (Annexure P3) that he does not want to pursue the complaint any further as the matter has been compromised between the parties and the complaint stood dismissed as withdrawn vide order dated 20.07.2016 (Annexure P2).

Counsel for the petitioner further submits that the petitioner is residing abroad since 2009 and he has not returned back to India. It is further submitted that when the proclamation was issued under Section 82 Cr.P.C., the petitioner was not residing in India and no service of proclamation was effected in ordinary place of residence of the petitioner and he was not aware about the filing of the complaint and subsequent proceedings pending before the trial Court.

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Since the complaint has already been withdrawn vide order dated 20.07.2016; the petitioner has already deposited an amount of ₹15,000/- as costs of proceedings and also in view of the fact that the counsel appearing for respondent No.2-complainant has not disputed the fact that the complainant has withdrawn the complaint on the basis of compromise, no useful purpose would be served by directing the petitioner to appear before the trial Court in pursuance to the impugned order dated 14.03.2013, declaring him as a proclaimed offender.

In view of the statement made by learned counsel for the petitioner which is not disputed by learned counsel for respondent No.2/complainant, this petition is allowed and the impugned order dated 14.03.2013 (Annexure P1) is set aside.

07.03.2018

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(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No