

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44673-2017

Date of decision: 08.02.2018

Narinder Singh Deol and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Chopra, Advocate
for the petitioners.

Mr. Atinder Pal Singh Jaurkian, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the orders dated 06.11.2013 and 01.04.2014 (Annexures P-6 and P-7), vide which the petitioners were declared as proclaimed offenders in criminal complaint No.31043 dated 28.04.2010 in which the petitioners were summoned vide order dated 17.04.2013 (Annexure P-3).

On 28.11.2017, the following order was passed: -

“....Counsel for the petitioners has submitted that when the proceedings under Section 82 Cr.P.C. were initiated, the petitioners were not residing in India and the service of summons upon the petitioners through the proclamation was made at their ordinary place of residence. It is further submitted that in the complaint, 04 persons were nominated and the trial Court vide its order dated 24.02.2016 (Annexure P16) has discharged one of the co-accused namely Avtar Singh @ Babbu. Another co-accused Arvinder Singh has already surrendered before the trial Court and

is already facing the trial.

Notice of motion for 08.02.2018.....”

Learned counsel for the petitioners submits that in pursuance to the order dated 28.11.2017, petitioner No.2 Jagdeep Singh Grewal has already appeared before the trial Court, deposited the costs of Rs.25,000/- and he has been granted the interim bail. It is further submitted that petitioner No.1 Narinder Singh Deol, on account of his ill-health, could not come to India and he seeks permission to withdraw the present petition qua petitioner No.1 at this stage with liberty to file afresh.

In view of the fact that petitioner No.2 has already appeared and surrendered before the trial Court and considering the fact that petitioner No.2 is an NRI and at the time of issuance of proclamation under Sections 82/83 Cr.P.C., he was not residing in India and the proclamation was not issued in accordance with the relevant provisions of Cr.P.C., the order dated 01.04.2014 passed by the trial Court, declaring petitioner No.2 as proclaimed offender, is set aside and the order dated 28.11.2017 granting interim bail is made absolute.

Since the present petition qua petitioner No.1 has been withdrawn on account of his ill-health, it will be open for petitioner No.1 to file fresh petition, in accordance with law.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No