

117.

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

CRM-M-46886-2018

Date of decision:19.11.2018.

ONKAR SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Sarju Puri, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.59 dated 14.09.2011 registered under Sections 341/323/148/149 IPC at Police Station Mukandpur, District SBS Nagar (Annexure P-1) and subsequent proceedings arising therefrom on the ground that the co-accused, who faced trial, already stand acquitted by learned Judicial Magistrate Ist Class, SBS Nagar vide judgment dated 27.07.2015 (Annexure P-4). Prayer has also been made to quash the order dated 13.05.2013 (Annexure P-2) whereby the petitioner has been declared Proclaimed Offender on the ground that the petitioner failed to appear before the trial Court even after the expiry of the stipulated period.

Learned counsel for the petitioner has argued that though the other co-accused have been acquitted by the trial Court and, therefore, the petitioner deserves parity with the co-accused who faced trial and acquitted, but he has confined his argument to the PO order dated 13.05.2013. He

states that the petitioner is ready to surrender before the trial Court within

two weeks from today and to face trial in accordance with law. He further states that the petitioner undertakes not to remain absent in the proceeding during trial.

Notice of motion only to respondent No.1 at this stage.

At the asking of the Court, Mr.Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of respondent No.1.

Let a copy of paper book be given to learned State counsel during the course of the day.

Without observing anything on the merit of the case more particularly when the petitioner has restricted his prayer to the extent of PO order, present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within two weeks from today and face trial, as well as submits an undertaking that he shall not make himself absent during trial without prior permission of the court, the trial Court shall admit him on bail subject to his furnishing adequate fresh bail bond/surety bond to its satisfaction, however, this would be subject to payment of costs of Rs.10,000/- to be deposited with the Legal Services Authority, Punjab.

(HARI PAL VERMA)
JUDGE

19.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.