

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-46851-2017

Date of Decision: May 04, 2018

Amarbir Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for the complainant.

Sudhir Mittal, J. (Oral)

Reply on behalf of respondent No.2 by way of an affidavit of Munish Kumar son of Joginder Lal, residence of # 2783, Near Jain Mandir, Kharar, District Mohali, has been filed in Court today and the same is taken on record.

2. The petitioner seeks quashing of order dated 25.02.2008 (Annexure P-2), whereby he was declared as proclaimed offender.

3. An FIR No.199, dated 17.08.2005 was registered at Police Station Kharar, under sections 323, 341, 452, 506, 148, 149 IPC, against the petitioner and other persons. Challan was presented on 30.11.2005. There was a compromise between the parties. As a result of which, the complainant and eye-witnesses did not support the case of the prosecution. Resultantly, the co-accused were acquitted vide the judgment dated 13.03.2008. Meanwhile, the petitioner went to Qatar on

08.11.2016. Since he did not appear before the learned trial Court he was declared as proclaimed offender vide the order dated 25.02.2008 (Annexure P-2). It is alleged that he did not come back to India till 2017. In that year, he applied for renewal of his pass-port and realized that he had been declared as proclaimed offender. Hence, the present petition.

4. Learned counsel for the petitioner states that compromise dated 24.10.2017 (Annexure P-4), has been reached between the complainant party and the petitioner. The complainant party has no objection in case the order impugned in the present petition is quashed. It is further, submitted that even on merits, the order Annexure P-2, is illegal as the petitioner was declared proclaimed offender without effecting service upon him in the normal course.

5. Learned State counsel submits that he does not have any objection to quashing of the impugned order provided that the petitioner appears before the learned trial Court and faces trial in accordance with law.

6. Learned counsel for respondent No.2, concurs with the submission of learned State counsel.

7. In view of the above, the petition is allowed and order dated 25.02.2008 (Annexure P-2), is quashed. The petitioner is directed to surrender before the learned trial Court/Illaq Judicial Magistrate concerned on 14.05.2018 and face the trial in accordance with law. On his doing so, in case an application for regular bail is filed by the petitioner before the trial Court/Illaq Judicial Magistrate, the same shall be allowed by the latter to its satisfaction.

May 04, 2018

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[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No