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

CRM-M No.47398 of 2017

Date of Decision: 26.03.2018

Sukha @ Sukhvir Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.P.S. Randhawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of anticipatory bail in complaint case bearing No.82/4 dated 02.05.2003, registered under Sections 452, 323, 506, 34 IPC at Police Station Sadar, Khanna District Ludhiana.

Petitioner was summoned by Sub Divisional Judicial Magistrate, Khanna. Vide order dated 04.04.2014, petitioner was declared as proclaimed person/offender. Statement of CW 1 Harjinder Singh was recorded under Section 299 Cr.P.C and the evidence of the complainant was closed under Section 299 Cr.P.C. The file was consigned to record room and the

same was to be taken as and when the accused is arrested or appears before the Court.

Learned counsel for the petitioner submitted that the aforesaid complaint was lodged against the petitioner as a counter blast to the FIR No.23 dated 25.02.2004 which was lodged against Ishar Singh and Harjinder Singh for recovery of money. The aforesaid persons were convicted and sentenced by the Judicial Magistrate First Class, Faridkot in the aforesaid FIR vide judgment of conviction and order of sentence dated 01.09.2010. The appeal was preferred by the aforesaid persons before the Additional Sessions Judge, Faridkot i.e. Criminal Appeal No.195 of 14.09.2010. Vide judgment dated 29.03.2012 passed by Additional Sessions Judge, Faridkot, Ishar Singh and Harjinder Singh were acquitted for offence under Section 406 IPC, but the conviction under Section 420 IPC was maintained.

Petitioner was declared to be proclaimed person/offender on 04.04.2014 when he was not in India. Petitioner came to India on 28.10.2017 as per his passport entry dated 28.10.2017.

On 13.12.2017, following order was passed:-

“Notice of motion returnable for 14.02.2018.

The petitioner is directed to join the investigation and fully cooperate with the Investigating Officer/Arresting Officer. In the event of arrest, the

petitioner shall be released on ad-interim anticipatory bail in Complaint Case No.82/4 dated 02.05.2003, registered under Sections 452, 323, 506 & 34 IPC at Police Station Sadar, District Khanna District Ludhiana, on furnishing of his bail bonds amounting to `10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

Since the petitioner was declared as proclaimed person/offender in a criminal complaint, therefore, on account of issuance of coercive method, he was directed to appear before the police and interim protection was granted.

Learned counsel for the petitioner submitted that in pursuance of order dated 13.12.2017, petitioner has joined the investigation on 20.02.2018.

The said fact has not been disputed by learned State Counsel on instructions from ASI Avtar Singh.

At this stage, without making any comment on the nature of proceedings undertaken before the trial Court, I deem it appropriate to make the order dated 13.12.2017 as absolute.

Petition stands disposed of accordingly.

March 26, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No