

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

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CRM-M NO.6718 OF 2018

DATE OF DECISION: FEBRUARY 16, 2018

Amanjeet Singh

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for quashing of order dated 05.01.2015 (Annexure P-3) passed by the Judicial Magistrate Ist Class, S.B.S.Nagar, whereby he was declared as proclaimed offender in Complaint No.01, dated 16.01.2014 (Annexure P-1) instituted at the instance of Chander Kanta wife of Lekh Raj (respondent No.2) for offences punishable under Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 307, 323, 452, 506, 148 and 149 IPC. In the said private complaint, the accused, including the petitioner, were summoned vide order dated 01.05.2014 (Annexure P-2). It would not be out of place to mention here that the summoning is not under

Sections 307 and 452 IPC. Lateron, after the declaration of the petitioner as

a proclaimed offender, the proceedings continued qua the other co-accused and few of them have been found guilty of commission of offence under Sections 323 and 325 IPC. However, they have been released on probation by the learned trial Court. While coming to the conclusion with regard to acquitting the other co-accused, similarly placed as the petitioner, the Court has made certain observations vide order dated 05.10.2016 (Annexure P-8), which can be termed as 'stricture' upon the complainant party. Counsel further contends that FIR No.97, dated 20.08.2013 under Sections 302, 307, 323, 324, 148, 149 IPC was registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar on the statement of the petitioner, for the murder of his grand father, namely, Dalip Singh, Numberdar, against complainant Chander Kanta (respondent No.2) and others. After trial, all the accused have been convicted vide judgement dated 05.10.2016 (Annexure P-6). Counsel, thus, contends that the proclamation qua the petitioner may not sustain as the similarly placed co-accused with the same role as has been attributed to the petitioner in the complaint by respondent No.2, have been acquitted of the charges levelled against them.

Counsel for the petitioner, with reference to the report/statement of Head Constable Surinder Pal (Annexure P-4), whereby he had stated that petitioner, Amandeep Singh @ Amanjit Singh son of Lakhwinder Singh has gone abroad for the last 9/10 months, submits that he was never served. He, however, states that the petitioner would surrender before the District and Sessions Judge, Shaheed Bhagat Singh Nagar, on or before 20.02.2018 and move an application for grant of regular bail.

In case the petitioner surrenders before the District and Sessions Judge, Shaheed Bhagat Singh Nagar, on or before 20.02.2018 and

moves an application for grant of regular bail, he shall be admitted to interim bail till the decision is taken on the said application.

With the above observations, the petition stands disposed of.

February 16, 2018
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No