

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

127/A

CRM-M No.7295 of 2018

Date of Decision: February 20th, 2018

Harjit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of the order dated 05.11.2004 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, by which the petitioner has been declared a proclaimed offender in case FIR No.88 dated 24.04.1995 (Annexure P-1) registered under Sections 323, 325 and 34 IPC, Police Station Radaur, District Yamuna Nagar.

It is the contention of learned counsel for the petitioner that the FIR was registered in the year 1995 and thereafter challan was presented, in which the petitioner was found innocent. Petitioner went to Canada in April 1998. An application under Section 319 Cr.P.C. was filed by the prosecution, in which the petitioner was summoned as an additional accused on 01.02.2002 (Annexure P-3). Thereafter the petitioner was being sought to be served at his residential address which was of Village Ghillour Majri, Police Station Radaur, District Yamuna Nagar. Since the petitioner had already gone abroad, he was not served and was ultimately declared a proclaimed offender, by order dated 05.11.2004. The other co-accused namely Dalip Singh, Bhupinder Singh, Harvail Singh, Pritam Singh and Jasbir Kaur were convicted by Judicial Magistrate Ist Class, Jagadhri,

by judgment dated 09.03.2006 (Annexure P-5), against which an appeal was preferred which was allowed by learned Sessions Judge, Yamuna Nagar, by judgment dated 30.08.2006 (Annexure P-6). Thereafter another co-accused namely Harbans Singh, who had gone to Spain and was also similarly declared a proclaimed offender as the petitioner, faced trial and was acquitted by the Judicial Magistrate Ist Class, Jagadhri, by judgment dated 22.09.2016 (Annexure P-7). He contends that now when the petitioner has come back to India, he has come to know that there is an order dated 05.11.2004 declaring him a proclaimed offender and, therefore, the present petition.

Counsel for the petitioner states that the petitioner is ready to join the proceedings before the trial Court in the light of the acquittal of the co-accused and the compromise dated 29.01.2018 (Annexure P-8) entered into between the parties. He, therefore, prays that the petitioner may be granted liberty to appear before the trial Court and surrender.

In case the petitioner surrenders before the Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, on **28.02.2018** and moves an application for grant of regular bail, the said application shall be accepted and the petitioner be released on bail to the satisfaction of the Court.

The present petition stands disposed of accordingly.

February 20th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No