

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

**CRM-M No.7867 of 2018
Date of decision: 25.09.2018**

Jaspal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 03.09.2013 (Annexure P3) passed by the trial Court vide which the petitioner was declared as proclaimed offender.

On 26.02.2018, the following order was passed by this Court:-

“Counsel for the petitioner has submitted that the petitioner has traveled abroad on 29.10.2010 and in the complaint filed by the respondent/complainant, summoning order was passed on 01.11.2012 (Annexure P2). Counsel for the petitioner has further submitted that when the proclamation under Section 82 Cr.P.C. was issued, the petitioner was not residing in India and without following the proper procedure for effecting the service at the ordinary place of residence as per provisions of the Code of Criminal Procedure, the petitioner was declared as proclaimed offender vide impugned order dated 03.09.2013 (Annexure P3).

Counsel for the petitioner has also submitted that

the other accused faced the trial vide judgment dated 26.08.2015 (Annexure P4) and all the other co-accused except Inderjit Singh were acquitted. At that time, one more accused person namely Rajinder Singh was also declared as proclaimed offender. Later on, in appeal filed by Inderjit Singh, he was also released on probation by the Lower Appellate Court vide judgment dated 30.10.2015 (Annexure P5). Counsel for the petitioner has further argued that later on Rajinder Singh who was declared as proclaimed offender also appeared before the trial Court and vide judgment dated 20.01.2017 (Annexure P6), he has also been acquitted. It is further argued that the petitioner is ready to appear before the trial Court and face the proceedings in accordance with law.

Notice of motion for 07.05.2018.

In the meantime, the petitioner is directed to appear before the trial Court on or before 26.03.2018 and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds and costs of Rs.5,000/- on account of delaying the proceedings to be deposited with the District Legal Services Authority, Amritsar. The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.”

Counsel for the petitioner has produced a certified copy of the order dated 16.03.2018 today in the Court, which is taken on record as Mark B, vide which the petitioner was granted interim bail.

Counsel for the petitioner has further submitted, at bar, that the petitioner has also deposited the costs of Rs.5,000/- with the District Legal Services Authority, Amritsar. It is further submitted that after 16.03.2018, the petitioner is regularly appearing before the trial Court and is facing the trial.

The aforesaid fact is not disputed by counsel for the State.

In view the above, this petition is allowed, the order dated 03.09.2013 (Annexure P3) is set-aside and the order dated 26.02.2018 is made absolute.

(ARVIND SINGH SANGWAN)
JUDGE

25.09.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No