

257.

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

CRM-M-25256-2017

Date of decision:04.02.2019.

TEJINDER SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Neha Jain, Advocate, for
Mr. Krishan Singh Dadwal, Advocate, for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is to quash the order dated 27.02.2010 passed by learned Additional Sessions Judge, Gurdaspur (Annexure P-3) whereby while invoking proceedings under Section 82 Cr.P.C., the petitioner was declared as Proclaimed Offender.

On 18.07.2017 when this matter came up for hearing, this Court has passed the following order:-

“It is contended that the petitioner herein was married to Mandip Kaur, who died in the intervening night of 15/16.6.2009, on which date he was not present at his residence as he was serving in the Indian Army and was with his Unit from 30.04.2000 and was present at the Unit on 15.06.2009, as per the certificate issued Annexure P-2.

It is contended that the petitioner is ready to face trial. He was declared proclaimed offender on 27.02.2010 without following proper procedure as the proclamation was done in the village whereas he was serving in Assam, therefore, there was non-compliance of Section 82 Cr.P.C.

Notice of motion for 01.11.2017.

In the meantime, the petitioner is directed to surrender before the trial Court and in case he does and applies for bail,

the learned trial Court is directed to release him on interim bail on his furnishing adequate bail bonds /surety bonds to the satisfaction of the concerned Duty Magistrate/Illaq Magistrate.”

Vide subsequent order dated 01.11.2017, the petitioner was directed to appear before the Investigating Officer on 08.11.2017 at 11 A.M.

Learned State counsel has filed status report by way of affidavit of Manjit Singh, PPS, Deputy Superintendent of Police, Rural-1, Gurdaspur, on behalf of respondent-State, in Court today, which is taken on record. In the said report, it has been stated that in compliance of order dated 18.07.2017, petitioner has surrendered before the trial Court. He has joined investigation and accordingly, supplementary challan has been filed in the Court of Judicial Magistrate Ist Class, Gurdaspur on 24.01.2018 against the petitioner. The case is under trial and is now fixed for defence arguments for 12.02.2019.

Considering the fact that the petitioner has surrendered before the trial Court and has been admitted on bail pursuant to the order dated 18.07.2017 passed by this Court and supplementary challan has been presented coupled with the fact that now the case is at the stage of defence arguments, this Court finds that present petition no more survives and has become infructuous.

Accordingly, present petition is dismissed as infructuous.

(HARI PAL VERMA)
JUDGE

04.02.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.