

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

CRM-M-30443-2016 (O&M)

Date of decision : 05.11.2019

Paviter Singh

...Petitioner

Versus

Tarsem Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Aggarwal, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

In spite of service, respondent is not present.

Respondent filed a criminal complaint alleging the offences under Sections 307, 452, 506, 341, 352, 148, 149, 120-B of the Indian Penal Code, Police Station Nakodar, against 8 accused persons including the petitioner-Paviter Singh and his brother Gurdev Singh.

Petitioner claims that he alongwith his brother had migrated to overseas and, therefore, did not come to know of the pending case. The trial against the remaining accused persons resulted in acquittal. Relevant findings arrived at by the Sub Divisional Judicial Magistrate, Nakodar vide judgment dated 17.03.2014 are extracted as under:-

“19. In view of the aforesaid discussion as well as deficient and weak complainant evidence on record, which is further paralysed by the unexplained delay of two months in filing of the present complaint, the complainant has failed in proving its allegations against the accused beyond all reasonable doubts. Accordingly, the accused present in the court, namely Tarsem Singh and Charanjit Kaur are acquitted in the present case by extending a benefit of doubt to them. Their bail bonds and surety bonds also stand discharged. File be consigned to the record room to be taken up as and when

accused Pavittar Singh and Gurdev Singh who are proclaimed persons are arrested and produced before the court or they themselves surrender in the court.”

Since, the petitioner and his brother did not appear pursuant to summons having been sent, they were declared proclaimed offender. Brother of the petitioner i.e. Gurdev Singh filed a petition in this Court in which Gurdev Singh was directed to surrender before the lower Court. It has been pleaded that pursuant to surrender of Gurdev Singh, he has also been acquitted.

Learned counsel for the petitioner has also drawn attention of the Court to the order passed in CRM-M-25848-2015, decided on 18.03.2016, wherein the parties have entered into a settlement in FIR which was registered at the behest of party of the petitioner and pursuant thereto, FIR and consequential criminal proceedings were quashed.

As noted above, respondent has not chosen to appear.

Keeping in view the facts of the case particularly subsequent compromise, acquittal of co-accused and acquittal of Gurdev Singh, this Court is of the considered view that the proceedings against the petitioner as also order by which he was declared proclaimed offender are required to come to an end.

In view thereof, order declaring petitioner as proclaimed offender dated 30.05.2013, as also criminal complaint (Annexure P-1) and consequential proceedings thereof are hereby quashed.

Accordingly, the present petition is allowed.

05.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**