

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31896-2017(O&M)
Date of decision: 21.11.2019

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Brijesh Nandan, Advocate for the petitioner
Mr. S.P.S.Tinna, Addl.AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner- Harjinder Singh has filed this petition under Section 482 Cr.P.C challenging the order passed by Chief Judicial Magistrate, Taran Tarn dated 22.7.2009 declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner has drawn attention of the Court to para 2 of the reply filed by the investigating agency which is extracted as under:-

“That it is further submitted that in compliance of above said order dated 19.3.2019 ASI Naresh Kumar, Incharge Police Post Daburji, Police Station City Tarn Taran has got recorded the statement of ASI Manpreet Singh, Incharge Police Post Kang, Police Station Goindwal Sahib, District Tarn Taran who stated that in the year 2012 to 2013 he was deployed as Incharge Police Post Daburji, Police Station City Tarn Taran and at that time the anticipatory bail application of

accused Harjinder Singh @ Brar Pardhan s/o Thana Singh r/o Mahal, PS Baghapurana, District Faridkot was pending in the Hon'ble Court of Sessions Judge, Tarn Taran. The accused Harjinder Singh @ Brar Pradhan had got conducted enquiry into the above said case and during enquiry the concerned enquiry officer SI Balwant Singh CIA staff Tarn Taran was found the above said accused Harjinder Singh @ Brar Pardhan as innocent vide Zimni no.12 dated 18.7.2011 and on the basis of above said enquiry, ASI Manpreet Singh suffered a statement in the Court regarding the innocence of the above said accused Harjinder Singh @ Brar Pardhan in the above said case, but the concerned Court did not discharge the accused Harjinder Singh @ Brar Pardhan from the proceedings of proclaimed offender . True translation of statement of ASI Manpreet Singh presently posted as Incharge Police Post Kang, Police Station Goindwal Sahib, District Tarn Taran is annexed herewith as Annexure R-1/T.”

It is apparent that the prosecuting agency has declared the petitioner innocent. He further draws attention of the Court to order Annexure P-2 dated 3.1.2013 which notices this fact. The same is extracted as under:-

“Police record produced. ASI Manpreet Singh No. 1440, Police Post Doburji has brought the record and has given the statement that the present applicant-accused

Harjinder Singh has already been declared as innocent in the police inquiry and he is not the accused at present in this case.

On the other hand, none has bothered to appear on behalf of applicant-accused to pursue the present applicant inspite of repeated calls since morning. It seems that applicant-accused is not interested in pursuing with the present bail application. Hence, the same stands dismissed. File be consigned to the record room.”

However, he submits that while pronouncing the judgment of acquittal petitioner-Harjinder Singh has been recorded as proclaimed offender vide pronouncement of judgment of acquittal dated 23.3.2015. He submits that there is obvious error in the judgment.

Be that as it may. Let the petitioner appear before the Chief Judicial Magistrate and apprise the Court of the facts of the case. Learned Magistrate on consideration of material available on file would pass appropriate orders in accordance with law.

Petitioner is permitted to file the necessary application within one month from today and till then his arrest shall remain stayed.

Disposed of.

21.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No