

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

255

CRM-M-39639-2018 (O&M)

Date of decision: 22.04.2019

Kapil

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Shubham Goyal, Advocate
for respondent No.2.

ANIL KSHETARPAL, J.(ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 06.10.2009 whereby the petitioner was declared proclaimed offender. On 11.09.2018, a Coordinate Bench passed the following order:-

“The petitioner seeks quashing of order dated 06.10.2009 (Annexure P-2) whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that the petitioner was residing in Australia and was never served. He is now willing to surrender before the trial Court.

Notice of motion for 29.11.2018.

The petitioner is directed to deposit a sum of ₹ 1 lakh with the High Court Legal Services committee, Chandigarh and thereafter shall surrender before the trial Court on or before

18.09.2018. In case he does so and moves an application for grant of regular bail, learned trial Court shall allow the same subject to its satisfaction and on his producing proof of deposit of ₹ 1 lakh with the High Court Legal Services Committee, Chandigarh.”

Learned counsel for the petitioner has submitted that the petitioner has appeared before the trial Court and has been enlarged on regular bail. He has also submitted that Rs.1,00,000/- has been deposited with the High Court Legal Services Committee, Chandigarh. The Court has also been informed that the trial against the remaining accused has failed and resulted into acquittal.

Learned counsel for respondent No.2 has contested the petition on the ground that the parents of the petitioner were contesting the litigation and therefore, it is highly improbable that the petitioner did not know about the pendency of the case.

This Court has considered the submissions. Once the trial against other accused has resulted into acquittal and the petitioner has already appeared before the trial Court and released on regular bail, therefore, it would be appropriate to set aside the order dated 06.10.2009.

Hence, the petition is allowed.

(ANIL KSHETARPAL)
JUDGE

22.04.2019
Dinesh Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No