

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 41640-2018(O&M)

Date of Order:17.07.2019

Harwinder Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Puneet Sharma, Advocate, for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab
Mr. Shayrya Puri, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

Petitioner-Harwinder Singh prays for quashing of FIR No.147, dated 27.08.1999, registered under Sections 325/323/34 IPC, at Police Station Kotwali, Kapurthala, as also the order declaring him proclaimed offender dated 23.10.2006 in view of the judgment dated 05.06.2008 as also the order passed in CRM-M-32510-2011.

Precise case of the petitioner is that the petitioner along with certain other co-accused were alleged to have committed offences under Sections 324/323/342/148/149 IPC. Petitioner had shifted out of country and, therefore, was not served and hence, declared proclaimed offender. However, trial against the remaining co-accused resulted in acquittal. The statement of Gurbachan Singh, PW1 was considered and found to be unreliable. He was declared hostile. Similarly, Harwinder Kaur, the alleged eye witness was found to be formal in nature and not sufficient to connect the accused with the offence. The aforesaid judgment became final.

Learned counsel has further submitted that another co-accused

Kuldeep Singh filed a petition for quashing of the FIR and the order

declaring him proclaimed offender on the basis of judgment passed by the Division Bench of this Court in the case of **Sudo Mandal @ Diwarak Mandal vs. State of Punjab** (Crl. Appeal No.D-638-DB of 2007, decided on 17.03.2011), which has been allowed on 16.07.2013.

Learned counsel for the petitioners contends that on the similar ground, the petitioner is also seeking quashing of the FIR and subsequent proceedings including the order by which petitioner was declared proclaimed offender. He has also drawn attention of the Court to the affidavit of Gurbachan Singh, first informant/injured as well as eye witnesses admitting settlement between the parties.

Mr. Shaurya Puri, Advocate, present in Court also accepts the aforesaid position.

Consequently, in view of the compromise having been effected between the parties and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR(Criminal) 429** and the law laid down by a Division Bench of this Court in **Sudo Mandal @ Diwarak Mandal's** case (Supra), no useful purpose would be served in prolonging the litigation.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.147, dated 27.08.1999, registered under Sections 325/323/34 IPC, at Police Station Kotwali, Kapurthala, as also the order declaring him proclaimed offender dated 23.10.2006 in view of the judgment dated 05.06.2008 as also the order passed in CRM-M-32510-2011 and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

July 17, 2019
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(ANIL KSHETARPAL)
JUDGE

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