

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44286-2017

Date of Decision:29.01.2019

Sapan Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Sheena Khanna, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.96 dated 11.05.2012 under Sections 406, 420, 498-A IPC (Annexure P-1) registered at Police Station Nakodar, District Jalandhar, final report/challan filed under Section 173 Cr.P.C. (Annexure P-5) and the order dated 21.08.2012 (Annexure P-6) passed by learned Sub Divisional Judicial Magistrate, Nakodar, whereby the petitioner was declared proclaimed person along with all consequential proceedings arising therefrom.

Fresh power of attorney filed on behalf of the petitioner is taken on record.

On 24.11.2017, this Court had passed the following order:-

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 96 dated 11.05.2012, under Sections 406, 420 and 498-A of the IPC, registered at Police Station Nakodar, District Jalandhar and order dated 21.08.2012 by which the petitioner had been declared a proclaimed person

along with his mother Balwinder Kumari.

Counsel for the petitioner contends that there has been non-compliance of the provisions of Section 82 Cr.P.C. as there has been no effective service upon petitioner. Moreover, the FIR in question would not be sustainable on account of the fact that marriage took place in New Zealand and the parties did not reside here in India as husband & wife. Counsel for the petitioner further submits that the petitioner is ready to face trial.

Notice of motion for 14.12.2017.

In the meantime, the arrest of the petitioner is stayed for a period of four weeks on his arrival in India. He is directed to appear before the trial Court within this period and on his appearance, the trial Court shall grant him interim bail on his furnishing personal/surety bonds to its satisfaction”.

Learned counsel for the petitioner states that pursuant to the aforesaid order, petitioner has appeared/surrendered before the trial court and has been admitted on bail.

I have heard learned counsel for the parties.

Considering the fact that on November 24, 2017, counsel for the petitioner had submitted that the petitioner is ready to face trial and in the PO proceedings, he has appeared before the trial court, no further orders are required to be passed.

The present is disposed of and the order dated 24.11.2017 passed by this Court is hereby made absolute. However, the petitioner shall continue to appear before the trial court in accordance with law.

January 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No