

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

CRM-M-47745 of 2018.

Decided on:- January 15, 2019.

Yadvinder Pal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Gaurav Chopra, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.PC is for quashing of the order dated 10.06.2015 (Annexure P-4) passed by learned Additional Chief Judicial Magistrate, SBS Nagar, in case bearing FIR No.18 dated 12.12.2013 under Section 498-A IPC registered at Police Station NRI SBS Nagar, whereby the petitioner was declared as a proclaimed offender.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered against the petitioner on 12.12.2013, whereas the petitioner was already residing in Canada even before registration of the said FIR. He refers to the passport entry, whereby the petitioner has been shown to be immigrated to Canada on 28.09.2010. He further states that divorce between the petitioner and complainant Sundip Kaur has already been granted by the Canadian Court and it is because of the impugned order dated

10.06.2015, the petitioner cannot come to his country though he intends to visit and to face the trial.

Notice of motion.

On asking of the Court, Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, but considering the fact that the petitioner has shown his inclination to appear before the trial Court, the present petition is disposed of with a direction that in case the petitioner appears before the trial Court within a period of forty five days from today and moves an application for grant of regular bail, he shall be admitted on bail on furnishing adequate bail bonds and heavy surety to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not be arrested on the airport on his arrival in India.

January 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No