

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

**CRM-M No. 23380 of 2019
Date of Decision:-22.05.2019**

Harpal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Veneet Sharma, Advocate
for the petitioners.

MANOJ BAJAJ J.(Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of order dated 02.1.2019 (Annexure P-4) whereby the petitioners have been declared proclaimed persons in a cross case set up through DDR No.32 dated 04.9.2017, under Sections 323, 324, 379, 427, 452, 506, 148 and 149 IPC in case FIR No.109 dated 02.9.2017, under Sections 326, 324, 323, 148 and 149 IPC, registered at Police Station Raja Sansi, Amritsar Rural, District Amritsar.

Learned counsel for the petitioners contends that the FIR was registered at the instance of petitioner No.5-Sukhwinder Singh @ Lakhwinder Singh on 02.9.2017 and the cross case was set up by other side after a delay of four days. Learned counsel for the petitioners invited the

attention of the Court to the zimni orders to contend that on each occasion the process in the shape of warrants failed to serve the petitioners and warrants remained unexecuted. It is pointed out that the proclamation notice was issued on 23.10.2018 fixing a date for appearance of accused (petitioners) for 16.11.2018 and the said notice did not provide a statutory period of 30 days. It is contended that on the next date, the case was adjourned for 02.1.2019 and finally the order declaring them proclaimed persons was passed.

Notice of motion.

At this stage, Mr. Sarbjit Singh, Advocate has put in appearance and filed power of attorney on behalf of complainant-Jasbir Singh.

On asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of respondent-State. Learned counsel for the petitioners has handed over requisite number of copies of paper book to learned State counsel as well as to learned counsel for the complainant.

Learned counsel appearing for respondent-Jasbir Singh, who is complainant in the cross-version, contends that brother of petitioner No.3, namely, Inder Pal was arrested in the cross-version and was extended the benefit of regular bail. It is contended that it cannot be believed that the petitioners were not even aware of setting up of the cross case as contended by learned counsel for the petitioners.

At this stage, learned counsel for the petitioners states that the petitioners are ready and willing to submit themselves before the trial Court

and to face the trial. It is apparent that the order dated 02.1.2019 did not afford statutory period of 30 days to the accused before declaring them as proclaimed offenders.

In view of the above, the impugned order dated 02.1.2019 (Annexure P-4) is set aside and in case the petitioners appear before the trial Court on or before 17.7.2019, they shall be admitted on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition stands disposed off.

May 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No