

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

**Criminal Misc. No. M-54167 of 2018
Date of decision: 05.02.2019**

Gursewak Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. K.S. Brar, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 17.12.2015 passed by the Judicial Magistrate Ist Class, Zira, whereby, the petitioner has been declared as proclaimed person in case FIR No.78 dated 14.06.2010 registered under Sections 324, 323, 148, 149 IPC at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner submits that it is a case of version and cross-version. Cross version DDR was registered on the basis of statement made by Suba Sngh. After completion of investigation, challan under Sections 326, 324, 325, 323, 148, 149 IPC was presented against the complainant party and challan under Sections 324, 323, 148, 149 IPC was presented against the petitioner's side. Learned counsel further submits that the petitioner went to Oman in the month of August, 2015 and was detained there. He could not even inform his counsel and order of declaring him absconder has been passed at his back. Learned counsel also submits that co-accused of the petitioner have been acquitted of the charges by the trial Court vide judgment dated 19.04.2017. Same allegations are there against the petitioner and he is ready to face trial. Learned counsel also submits that

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the petitioner undertakes to appear before the trial Court on each and every date of hearing.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner intentionally avoided the proceedings and left India without permission of the Court.

Heard arguments of learned counsel for the parties and have also perused impugned order dated 17.12.2015 as well as other documents available on the file.

By considering the submissions made by learned counsel for the petitioner that the petitioner went abroad and PO proceedings were initiated at his back; he was not aware about the proceedings; mandatory provisions have not been followed; co-accused of the petitioner have been acquitted of the charges by the trial Court; the case of the petitioner is at par with his co-accused; the petitioner is ready to face trial and undertakes to appear before the trial Court on each and every date, the present petition is allowed and impugned order dated 17.12.2015 is set-aside with the direction to the petitioner to surrender before the trial Court within a period of one week from the date of receipt of certified copy of this order and in case, he surrenders before the trial Court within the stipulated period, he shall be released on interim bail on furnishing bail/surety bonds to the satisfaction of the trial Court subject to deposit of an amount of ₹10,000/- before the trial Court.

05.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes