

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

**CRM-M-35057-2019
Date of decision: 29.11.2019**

Gursewak Singh

...Petitioner

Versus

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Gurdeep Kaur, Advocate
for the petitioner.

Mr. Manish Jain, Addl. P.P., U.T., Chandigarh.

Mr. Deepak Choudhary, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing the order dated 01.02.2016, passed by the trial Court, vide which the petitioner was declared a proclaimed person in the proceedings of case titled as ***State vs. Harminster Singh & Ors.*** in FIR No. 245 dated 22.08.2011, under Sections 323, 341, 506 and 34 of the IPC registered at Police Station Sector 11, Chandigarh.

While issuing notice of motion in the present case as well as in the connected case bearing CRM-M-35124-2019, seeking quashing of the present FIR on the basis of the compromised entered into between the parties, the following order was passed on 28.08.2019:

“Learned counsel for the petitioner submits that the petitioner was not aware about the proceedings and he was never served at his ordinary place of residence under Section 82 Cr.P.C. It is further submitted that now the matter has been compromised and other co-accused have

already been acquitted by the trial Court vide judgment dated 10.07.2019 and the petitioner is ready to appear before the trial Court and apply for bail.

Notice of motion for 29.11.2019.

At this stage, Mr. Deepak Choudhary, Advocate has appeared on behalf of respondent No.2 and has acknowledged that there is a valid compromise between the parties.

Learned counsel for the petitioner is directed to supply a copy of paper book to counsel opposite during course of the day.

Considering the fact that there is a valid compromise, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information: - 1. Number of persons arrayed as accused in FIR, 2. Whether any accused is proclaimed offender, and 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence. 4. Whether the accused persons are involved in any other FIR or not. 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

In the meantime, the petitioner, when appears before the trial Court, will be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate and on payment of costs of Rs.25,000/- for delaying the proceedings, to be deposited with the Punjab Chief Minister's Relief Fund, Account No.001934001000589 in Punjab State Cooperative Bank, IFSC: UTIB0PSCB01.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.08.2019, has already appeared before the trial Court and he has been released on interim bail and he has also deposited the costs of Rs. 25,000/- as imposed by this Court.

Learned counsel, appearing for the U.T., Chandigarh, has not disputed the aforesaid fact.

In view of the above, the petition is disposed of and order dated

28.08.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No