

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

CRM-M-39666-2019 (O&M)

Date of decision : 01.10.2019

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

On 18.09.2019, following order was passed by this Court:-

“Learned counsel for the petitioner contends that the learned Additional Sessions Judge has proceeded to declare the petitioner as proclaimed offender without applying its mind. Repeatedly, it was reported to the Court on the notices sent, bailable and non-bailable warrants issued, that the premises to which those notices were issued, was found locked. He further submits that the Court rather than calling upon the State to provide correct address of the petitioner, directed initiation of proceedings under Section 82 Cr.P.C. He further submits that the parties have now entered into a settlement on 08.02.2019. He further submits that the petitioner is residing out of the country since 17.03.2011.

Notice of motion for 24.09.2019.

On asking of the Court, Mr.S.P.S.Tinna, learned Additional Advocate General, Punjab, accepts notice on behalf of the State.

Counsel for the petitioner is requested to supply copy of the petition to learned State counsel.

To be shown in the urgent list. ”

After hearing learned counsel for the parties, this Court is of the view that the order passed by the learned Court of Additional Session Judge declaring the petitioner as proclaimed offender on 03.01.2012 suffers from material irregularity. Once, on the notice sent, report was received that house where petitioner use to reside is locked, the Court should have directed the prosecuting agency to get the current address of the petitioner. It is the case of the petitioner that he is residing out of country since 17.03.2011.

Still further, learned counsel for the petitioner has drawn attention of the Court to order passed by a Division Bench of this Court on 24.09.2019 in CRA-S-3135-SB-2015 and other connected cases wherein the Court had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements in terms of settlement in the main criminal case.

Hence, orders dated 23.07.2011, 01.10.2011 and 03.01.2012 are set aside provided the petitioner surrenders before the Court within a period of one month and furnishes bail bonds with surety bonds to the satisfaction of the trial Court. However, since the petitioner has filed this petition after a period of more than 7 years, therefore, it shall be subject to costs of ₹1,00,000/- which shall be deposited with the Punjab Government Treasury within a period of one month.

In view of the above, the present petition is allowed.

01.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No