

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49325-2019 (O&M)

Date of decision: 17.12.2019

Baljinder Singh Multani @ Lovely

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Kalsy, Advocate for
Mr. A.K. Sharma, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint No.COMI-410/1/10 dated 18.12.2010 (Annexure P-1) filed under Sections 323, 341, 382, 452, 148, 149, 506 IPC, the order dated 11.07.2013 (Annexure P-2), vide which the petitioner was summoned to face trial and the order dated 29.10.2016 (Annexure P-4) passed by the trial Court, whereby the petitioner was declared a proclaimed offender.

On 21.11.2019, following order was passed by this Court: -

“...Learned counsel for the petitioner, at the very outset, submits that the petitioner had travelled abroad in June, 2015 i.e. during pendency of the trial and in the intervening period, on 01.11.2016, a compromise was effected between complainant Harprit Pal

Singh and other accused persons, on the basis of which, the matter was settled before the National Lok Adalat vide order dated 12.11.2016 and the complaint was withdrawn. It is further submitted that the petitioner had gone abroad in search of a job and later on, he could not return back and he is ready to surrender before the trial Court within a period of 10 days from today.

Considering the fact that respondent No.2-complainant Harprit Pal Singh has already withdrawn the complaint in toto i.e. against the petitioner also, therefore, main grievance of the petitioner is regarding the order dated 29.10.2016, vide which he was declared proclaimed offender, notice is issued to the State of Punjab only, at this stage.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab. accepts notice on behalf of respondent No.1-State and a complete set of paper book be supplied to him during course of the day.

The petitioner is directed to surrender before the trial Court within a period of 10 days from today and the trial Court will release him on interim bail subject to his furnishing bail/surety bonds.

The arrest of the petitioner shall also remain stayed, from the time he arrives in India till he surrenders before the trial Court, for a period of 10 days from today.

This will, however, be subject to payment of costs of Rs.1.00 lacs to be deposited with the Punjab and Haryana High Court

Lawyers Welfare Fund, within a period of 15 days from today.

List again on 17.12.2019.

To be shown in the urgent list. ”

Learned counsel for the petitioner submits that the petitioner has already deposited the costs of Rs.1.00 lac with the Punjab and Haryana High Court Lawyers Welfare Fund on 04.12.2019. It is further submitted that in pursuance of the aforesaid order, the petitioner has appeared before the trial Court and is released on interim bail.

Learned State counsel, on instructions from ASI Gurnam Singh, has not disputed the aforesaid factual position.

Considering the aforesaid facts, the impugned order dated 29.10.2016 (Annexure P-4) passed by the trial Court, declaring the petitioner as proclaimed offender, is set aside and he is directed to face the trial.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.12.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No