

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-21155-2018 (O&M)

Date of Decision:29.01.2019

Harmanpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Sushma Chopra, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. L.S. Sidhu, Advocate for
Mr. Ajay Pal Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-41404-2018

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record air tickets along with copy of passport of the petitioner (Annexure P-14)(colly.).

Application is allowed as prayed for. The air tickets along with copy of passport of the petitioner (Annexure P-14)(colly.), are taken on record.

CRM-M-21155-2018 (O&M)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.79 dated 22.09.2012 (Annexure P-1) under Sections 498-A, 406 IPC, registered at Police Station City Ahmedgarh, District Sangrur. Challenge has also been laid to the order dated 23.05.2014 (Annexure P-12) passed by learned Judicial Magistrate 1st Class,

Malerkotla, vide which the petitioner was declared proclaimed offender and

necessary intimation was sent to the concerned SHO.

Power of attorney filed on behalf of respondent No.2, is taken on record.

On 18.05.2018, when this petition came up for hearing, this Court had passed the following order:-

“Learned counsel contends that the petitioner never came to India after 2012 and divorce proceedings were initiated in Canada and divorce was granted on 24.06.2014 and the complainant has got remarried in January, 2018. She states that the petition had been filed through attorney, who is cousin. She also states that proceedings under Section 299 Cr.P.C. were initiated and the file has been consigned and the petitioner had earlier approached the Court and he was given liberty to avail the legal remedy. She refers to Annexure P-13. According to her, respondent No.2-complainant is in India.

Notice of motion, returnable for 17.08.2018.

The petitioner would place on record copy of his passport and would apprise as to when he intends to return to country.”

Learned counsel for the petitioner states that the petitioner is ready to return back to India so as to face the trial, however he need protection from his arrest. The marriage of the complainant was solemnized on 05.01.2011 and thereafter, the complainant has got the FIR registered on 22.09.2012. After the marriage, the petitioner left for Canada and the FIR in question was registered in his absence. He had gone back to Canada much before the registration of the FIR. After the registration of FIR, he had never visited India. She refers to the air tickets (Annexure P-14) to support her contention that the petitioner has shown his inclination to come back to India and to face trial in the case. She further states that though the

complainant has solemnized another marriage as divorce has already taken

place between the parties in Canada Court, but still the petitioner is ready to appear before the trial court to face trial.

Learned State Counsel on instructions from ASI Gurjant Singh states that during the course of investigation, the mother of the petitioner has been found innocent and accordingly, cancellation report was prepared qua her, which was accepted by the trial court. However, as the petitioner was declared proclaimed offender, he is required to surrender in the case and to face trial.

Be that as it may, considering the fact that the petitioner is residing in Canada and has left India much before the registration of the FIR and has now shown his inclination to appear before the trial court to face trial, the present petition is disposed of at this stage with some direction.

Thus in case, petitioner surrenders before the trial court within a period of one month from today, he shall be admitted on bail, subject to furnishing of his bail bonds/surety bonds to its satisfaction, however, subject to payment of ₹25,000/- as costs with the Poor Patients Welfare Fund, PGIMER, Chandigarh within 15 days from today.

Petitioner shall also furnish an undertaking before the trial court to the effect that he shall not leave the country without previous permission of the Court and shall not cause any delay in the smooth trial of the case.

For one month from today, arrest of the petitioner shall remain stayed.

January 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No