

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

CRM-M-54171-2019

Date of decision:18.12.2019

Hardeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Sukhjit Singh, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This is a petition filed for quashing of order dated 04.02.2011 passed by Ld. JMIC, Jagraon, District Ludhiana (Rural) whereby the petitioner has been declared as proclaimed offender in case FIR No. 186 dated 27.02.2000 registered under Section 447, 504, 379 IPC at Police Station Jagraon, District Ludhiana (Rural).

The petitioner was granted bail in the case and thereafter, was regularly appearing in the Court. It is the contention of the petitioner that in the year 2010, he was out of the country. Meanwhile, he came to know that the other co-accused have been acquitted by the trial Court.

It is the contention of the counsel for petitioner that the proceedings for declaring the petitioner as proclaimed offender took place in his absence. He never received any summons or notice.

It is further the contention of the counsel for the petitioner that the order declaring him as proclaimed offender is legally unsustainable in as much as the petitioner was an accused in offence under Section 447, 504 and 379 IPC and he could only be declared as 'proclaimed person' and not 'proclaimed offender'.

Learned counsel for the petitioner states that the petitioner never intended to evade the proceedings and he is ready to surrender and face the trial.

The petitioner may appear in the trial Court on or before 16.01.2020. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. This shall be subject to costs of Rs. 50,000/-, to be deposited by the petitioner with the Director, PGIMER, Chandigarh (Poor Patient Welfare Funds). He shall also file an undertaking before the appellate Court to continue appearing before the trial Court as and when required apart from following all the terms and conditions fixed in this respect.

Petition stands disposed of.

(HARINDER SINGH SIDHU)
JUDGE

18.12.2019

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