

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

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**CRM-M-3189-2020
Date of Decision : 27.01.2020**

Hardev SinghPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ish Puneet Singh, Advocate
for the petitioner.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.7 dated 09.01.1999 registered under Section 61 (1) (a) of the Punjab Excise Act, 1914 at Police Station Nurmahal, District Jalandhar and for quashing of order dated 09.08.2001 passed by learned Judicial Magistrate Ist Class, Phillaur whereby the petitioner was declared as proclaimed offender.

As per prosecution person given in the FIR (Annexure P-1) on 09.01.1999 the police party headed by S.C. Paramjit Singh stopped one Contessa car which was being driven by Ranjit Singh while petitioner was sitting on the rear seat of the car. The police recovered three cartons of liquor mark 8 PM, two cartons liquor mark Aristocrat and three cartons of liquor mark Thunderbolt from the said car kept therein without permit or license. The petitioner was declared proclaimed offender vide order dated 09.08.2001 while his co-accused Ranjit Singh was convicted vide judgment of conviction and order of sentence dated 24.11.2003 passed by learned Sub Divisional Judicial Magistrate, Phillaur but on appeal against the same, co-accused Ranjit Singh was acquitted vide judgment dated 10.07.2004 passed by learned Sessions Judge, Jalandhar.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated. On trial his co-accused has been acquitted. The petitioner had gone to Italy for his livelihood and was

declared proclaimed offender in breach of the prescribed procedure vide order dated 09.08.2001. The petitioner had filed the petition for quashing of the FIR and impugned order in view of observations of Division Bench of this Court in *Sudo Mandal @ Diwarak Mandal Vs. State of Punjab : 2011(2) RCR (Criminal) 453* but now the petitioner is ready and willing to surrender before the trial Court and join the proceedings and the prayer in the petition may be treated as restricted to issuance of directions to the trial Court for grant of bail and for expediting the trial.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State. Learned State Counsel has no objection if the petitioner is directed to surrender before the trial Court and join the proceedings.

In view of the facts and circumstances of the case, the petitioner is directed to surrender before the trial Court within four weeks from today and in case the petitioner so surrenders before the trial Court, he shall be released on regular bail on furnishing of bail bonds by him to the satisfaction of the trial Court.

The trial Court is directed to expedite the proceedings and conclude the trial preferably within three months from the date of appearance of the petitioner before it. However, the trial Court shall be at liberty to seek extension of time if the situation so warrants.

With the aforesaid directions, the present petition stands disposed of.

27.01.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No