

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

CRM-M-5666 of 2020 (O&M)

Date of Decision: February 10, 2020

Karnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sudhir Rana, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks to invoke the inherent jurisdiction of this Court for quashing the order dated 02.01.2003 passed by Sub Divisional Judicial Magistrate, Balachaur whereby, the petitioner has been declared as proclaimed offender in FIR No.90 dated 04.06.2002, registered under Sections 498-A, 506 of IPC at Police Station Balachaur.

Counsel for the petitioner would contend that the petitioner had been allowed bail and during the pendency of the trial, he went abroad and now he has returned and ready to face the trial. It is also argued that co-accused have already been acquitted by the Addl. Sessions Judge, Nawanshahr on 24.09.2009. It is requested that he may be permitted to surrender before the trial court and face the trial.

I have heard counsel for the petitioner and have also perused

the order dated 07.01.2011 passed in CRM-M-517 of 2011.

The petitioner herein had already invoked the inherent jurisdiction of this court under Section 482 Cr.P.C. for quashing the impugned order dated 02.01.2003 passed by the Sub Divisional Judicial Magistrate, Balachaur and all consequential proceedings arising thereunder. It is to be noted that this court in CRM-M-517 of 2011, while taking note of the fact that mandatory provisions of law have not been followed, while declaring the petitioner as proclaimed offender, had disposed of the said petition with the following direction:-

“The petition is disposed of with a direction that the petitioner shall surrender before the trial Court within a period of four weeks from the date of receipt of copy of the order and in case he surrenders before the trial Court and furnishes adequate bail bond and surety bond to its satisfaction, he shall be admitted to bail. The petitioner is also directed to move an application for recalling of the order declaring him Proclaimed Offender and to explain the circumstances for remaining absent from trial and that application shall be considered and disposed of by the trial Court in accordance with law.”

Taking note of the fact that the petitioner herein has already invoked the inherent jurisdiction of this Court seeking permission to surrender before the trial court and face the trial, however, admittedly did not do so, consequently, this court is not inclined to grant any relief to the petitioner herein by invoking the inherent jurisdiction. As such, the petition stands dismissed. However, in case, the petitioner surrenders before the trial court within a period of two weeks, his bail application be considered

expeditiously by the trial court.

February 10, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No