

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

CRM-M-5806 of 2020 (O&M)

Date of Decision: February 10, 2020

Sawaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anurag Chopra, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking to quash the order dated 12.11.2003 passed by the Chief Judicial Magistrate, Amritsar whereby, the petitioner had been declared as proclaimed offender in FIR No.155 dated 27.10.1997, registered under Sections 376, 354, 342, 452, 323, 148, 149 of Indian Penal Code at Police Station Gharinda, District Amritsar.

Learned counsel for the petitioner herein would contend that the petitioner was on bail and during the pendency of the trial, he went abroad. It is submitted that he was declared as proclaimed offender by an order dated 12.11.2003, without following the mandatory provisions as envisaged under the law. It is argued that the petitioner was in Canada when the impugned order was passed. It is also contended that the other co-accused have already been acquitted by the trial court and the petitioner,

who has returned to India, is ready to join the proceedings and face the trial.

I have heard counsel for the petitioner and perused the record and found that the mandatory provisions of law have not been followed and that he was not aware about the PO proceedings initiated against him. Considering the fact that the petitioner is ready to join the proceedings before the trial court, the instant petition is disposed of *in limini* with a direction to the petitioner to surrender before the trial court within two weeks from today and in case, he does so, he be admitted to bail subject to his furnishing the bail bond and surety bond to the satisfaction of the trial court. The petitioner is also directed to move an application for recalling of the order declaring him as proclaimed offender and to explain the circumstances for remaining absent from the trial and that application shall be considered and disposed of by the trial court in accordance with law.

The petition stands disposed of accordingly.

February 10, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No