

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

CRM-M-13010-2019 (O&M)

Date of decision: 08.01.2020

Ajaib Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Bhavika Gupta, Advocate for
Mr. C.K. Singla, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. A.S. Brar, Advocate for respondent No.2.

H.S. MADAAN, J.

By way of filing the present petition, petitioner Ajaib Singh, presently residing in Canada and native of Village Raunta, Tehsil & District Moga is challenging order dated 30.11.2018, vide which, he was declared as proclaimed offender in FIR No.17 dated 27.02.2012, under Sections 307 and 120-B IPC and Section 25 of the Arms Act, registered with Police Station Nihal Singh Wala.

Counsel for the petitioner has brought the original passports.

According to the petitioner, after completion of investigation, when challan was filed, he was kept in column No.2 of the challan. During the trial, an application under Section 319 Cr.P.C., was filed, which was dismissed by the trial Court. However, on a revision

petition having been filed by complainant Harpreet Kaur, the order was set aside and revision petition was accepted. The petitioner was not aware of such order, since, he is visiting Canada and India quite frequently and had returned to India on 21.02.2019. That petition is being opposed by the complainant.

Learned State counsel has submitted that as per his instructions from ASI Puran Singh, the petitioner has appeared in the trial Court.

Learned counsel for the complainant concedes so. He has contended that he has no objection if the impugned order is set aside but to ensure that the petitioner does not abscond, his passport be ordered to be kept in custody of the Investigating Officer. This contention appears to have force. Therefore, the impugned order dated 30.11.2018 declaring the petitioner as proclaimed offender is set aside and it is directed that the trial Court would admit him to bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court. Two passports of the petitioner have been handed over to ASI Puran Singh from Police Station Nihal Singh Wala, District Moga through the State counsel Sh. Rana Harjasdeep Singh for the purpose of submitting it before the trial Court. The trial Court shall keep those passports in safe custody to ensure that the petitioner does not abscond.

08.01.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No