

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-19266-2020

DATE OF DECISION: 23.09.2020

HARWINDER SINGH @ KALU

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Krishan Kumar Thakur, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking quashing of the order dated 16.09.2015 whereby he has been declared as proclaimed offender in FIR No.10 dated 24.01.2013 under Section 382 IPC registered at Police Station Mehna, District Moga.

Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court as he was undergoing treatment in Drug Rehabilitation Centre and was not aware of the proceedings. The co-accused have been acquitted at the conclusion of the trial. Judgment of the trial Court has been appended as AnnexureP-2. He also contends that the petitioner had been granted protection from arrest in another cases wherein due to similar circumstances, he could not appear before the Court. He has referred to the judgment of the Coordinate Bench in **Harwinder Singh@Kalu versus State of Punjab**, passed in CRM-M-40795-2019

decided on 23.09.2019 and zimini order dated 16.11.2019 passed in **CRM-M-36495-2019**.

This Court, by the order dated 17.07.2020, had directed the petitioner to appear before the trial Court within a period of 15 days and in that event the trial Court was directed to release him on interim bail subject to his furnishing bonds.

Learned State counsel has filed the status report through email wherein it is mentioned that the petitioner has appeared and surrendered before the trial Court and has been granted interim bail.

The petitioner was stated to be undergoing treatment in the Drug Rehabilitation Centre and was not aware of the proceedings. The co-accused had been acquitted at the conclusion of the trial. Therefore, the petitioner had been granted opportunity to appear before the trial Court and he has done so. It would be in the interest of justice if the impugned order dated 16.09.2015 is quashed.

Consequently, the petition is allowed and the order dated 16.09.2015 is quashed. It is made clear that the petitioner shall henceforth appear on each and every date of hearing. He shall not absent himself without the prior permission of the trial Court.

(ANUPINDER SINGH GREWAL)
JUDGE

23.09.2020.

SwarnjitS

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