

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21679-2020 (O&M)
Date of Decision: August 05, 2020

Karan Kapoor

..... Petitioner

VERSUS

State of Punjab

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Naresh Kumar, Advocate
 for the petitioner.

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 34 dated 23.02.2018 under Sections 406, 420-B IPC and Section 24 of the Immigration Act registered at Police Station Model Town, District Hoshiarpur while praying to set aside order dated 21.09.2019 by which the petitioner herein has been declared as a proclaimed person.

Learned counsel for the petitioner would contend that the matter had been investigated and a challan was accordingly presented, however, in the interregnum i.e. on 07.11.2019, the matter had been compromised between the parties, wherein it was agreed that the petitioner herein would pay an amount of ₹8 lacs to the complainant-Paramjit Kaur. Learned counsel further contends that it is only on account of said

compromise that he did not put in an appearance before the Court on the date he was summoned. It is also argued that the order declaring him proclaimed person itself is faulty as the 30 days period as envisaged under Section 82 Cr.P.C. had not elapsed. It is also stated that a quashing petition on the basis of compromise has already been initiated vide CRM-M-21655-2020 wherein notice has been issued and that he is ready to face the proceedings before the Court below and to put in an appearance there.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab accepts notice through video conferencing on behalf of the respondent-State. She admits to the factum of the compromise which is placed on record as Annexure P-3.

I have heard learned counsel for the parties and gone through the compromise deed.

Taking into consideration the COVID-19 pandemic and the restricted working of the Courts, this Court deems it appropriate to set aside the order dated 21.09.2019 by which the petitioner has been declared as a proclaimed person. It is an undisputed fact that the matter between the parties stands compromised as is evident from the compromise deed placed on record and that the petitioner is making payments in terms of the said compromise. Consequently, this petition is allowed and the order dated 21.09.2019 is hereby set aside. The arrest of the petitioner is stayed to enable him to join proceedings and he is directed to put in an appearance before the Court below within a period of 02 weeks from today and on his appearance, he will be admitted to bail in accordance with law, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Needless to say, in case the petitioner does not put in appearance within the stipulated time, the order passed today granting interim relief to the petitioner shall stand automatically vacated.

August 05, 2020

(JAISHREE THAKUR)
JUDGE

seema

Whether speaking/reasoned	Yes.
Whether reportable	No.