

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

CRM-M-25651 of 2020 (O&M)
Date of Decision: 23.9.2020
(**Heard through V.C.**)

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. HS Saini, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking to quash the order dated 21.12.2011 passed by the Sub Divisional Judicial Magistrate, Balachaur, whereby, the petitioner had been declared as proclaimed offender in FIR No. 51 dated 15.6.2020, registered under Sections 451, 326, 324, 148, 149 of Indian Penal Code at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner herein would contend that initially the petitioner had put in appearance in the said proceedings. However, he went abroad and cannot come back to face trial. It is submitted that he was declared as proclaimed offender by an order dated 21.12.2011, without following the mandatory provisions as envisaged under the law. It is submitted that the petitioner has been falsely implicated in the said FIR as would be evident from the fact that the other co-accused already

stand acquitted by judgment dated 11.11.20214. It is argued that the trial court by its detailed judgment came to the conclusion that there was no evidence available to substantiate the case as set up by the prosecution. It is also submitted that there were four accused, out of which two have been acquitted by the trial court whereas one, who had confessed, stands convicted. It is argued that currently the petitioner is in Italy and is ready to return India and face 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 four 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.

(JAISHREE THAKUR)
JUDGE

23.9.2020
prem

Whether speaking/reasoned
Whether reportable

Yes
No