

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

CRM-M-40679 of 2020.

Decided on:- December 07, 2020.

Sukhwant Singh @ Pappu.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 482 Cr.PC for quashing of the FIR No.29 dated 31.03.2013 (Annexure P-1) under Sections 307, 326, 325, 323, 336, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Bajakhana, District Faridkot.

Prayer has also been made for quashing of the order dated 05.12.2018 (Annexure P-2) passed by learned Additional Sessions Judge, Faridkot, whereby the petitioner was declared as a proclaimed offender in the aforesaid F.I.R.

Learned counsel for the petitioner confines his prayer for quashing of the order dated 05.12.2018 (Annexure P-2), whereby the

petitioner was declared as a proclaimed offender. He submits that other co-accused, namely, Gurlal Singh @ Gaalu, Harpreet Singh, Jaskaran Singh, Nakaiya Mali @ Nikka, Sandeep Kumar, Pardeep Kumar @ Dimpy, Harjinder Singh @ Jinda, Sukhpreet Singh @ Sukha, Soni Fouji @ Surinder Singh were acquitted by the trial Court vide judgment dated 16.09.2017, whereas other co-accused, namely, Money @ Manpreet Singh has been acquitted by the trial Court vide judgment dated 05.12.20218.

He further submits that the petitioner was never served in the case, but vide order dated 05.12.2018 (Annexure P-2), he was declared as a proclaimed offender by the trial Court. The petitioner had gone abroad Beirut on 10.08.2016. He has referred to the photocopy of the passport (Annexure P-3) and submits that the petitioner has returned on 23.07.2020. In this manner, the proceedings declaring the petitioner as proclaimed offender were initiated at his back.

He further submits that the petitioner undertakes to surrender before the trial Court and to face the trial in accordance with law.

Notice of motion to respondent No.1-State only.

On asking of this Court, Mr. Randhir Singh Thind, D.A.G., Punjab accepts notice on behalf of respondent No.1-State. He does not dispute the fact that the other accused mentioned hereinabove have already been acquitted by the trial Court.

I have heard learned counsel for the parties.

The petitioner has not been served in the case and he had gone abroad on 10.08.2016, whereas the impugned order declaring him as a

proclaimed offender was passed on 05.12.2018. Since the petitioner has shown his inclination to surrender before the trial Court and has undertaken to face the trial in accordance with law, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within two weeks from today, he shall be admitted on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

December 07, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No