

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

274

CRM-M-48761-2019
Date of decision: 27.01.2020

Hari Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Munish Puri, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for respondent No.1.

Mr. Sandeep Saini, Advocate for
Mr. Sanjeev Kumar, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 07.02.2013 (**Annexure P-4**) vide which the petitioner was declared proclaimed offender as well as quashing of FIR No.52 dated 11.03.2008 registered under Sections 452, 323, 506 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Civil Line, Police District Batala and all subsequent proceedings arising therefrom.

The above said FIR was registered on the basis of application submitted by complainant-Labh Singh. In the complaint, Labh Singh alleged that previously he used to work in saw mill owned by Mr. Negi. The workers of saw mill were on strike for the last 6-7 days for increase of their wages but he did not participate in the strike.

On 11.03.2008 at about 03:00 P.M., when he was resting in his house, somebody knocked the gate of his house and his wife opened the door and told him that 5-6 persons were standing outside. Accused Kaku and Avtar Singh @ Tari asked his wife as to where he was and his wife told them that he was not at home. Thereafter, accused Kaku, Avtar Singh @ Tari and Hari Singh trespassed to the first floor of his house and accused Kaku caught hold of him by his neck and pushed him while accused Avtar Singh gave 2-3 slaps to him and accused Hari Singh exhorted that he be pushed downstairs where other workers were standing in anger and he be taught a lesson for not joining the strike. When his wife raised alarm Malkiat Singh and Bachan Singh reached there and rescued him. While leaving the above said accused pushed his wife and threatened to kill her and ran away. On completion of investigation, the petitioner and his co-accused Avtar Singh @ Tari, Hardip Kumar @ Kaku, Ramesh Kumar @ Goga and Inderjit @ Mappa were charged sheeted by the police. On default in appearance, the petitioner was declared proclaimed offender. On trial, Avtar Singh @ Tari, Hardip Kumar @ Kaku, Ramesh Kumar @ Goga and Inderjit @ Mappa were acquitted by Judicial Magistrate 1st Class, Batala vide judgment dated 10.10.2013.

The petitioner has claimed that he left for the sake of work for Arab countries and could not appear in the case due to which he was declared proclaimed offender. Now, he has compromised with the complainant and the order declaring him as proclaimed offender and FIR may be quashed on the basis of compromise.

Learned Counsel for the petitioner has submitted that the

petitioner has been declared proclaimed offender in breach of the prescribed procedure. The petitioner had filed the petition for quashing of the FIR and impugned order in view of observations of Division Bench of this Court in ***Kulwinder Singh Vs. State of Punjab : 2007 (3) Herald 2225*** but now the petitioner is ready and willing to surrender before the trial Court and join the proceedings and the prayer in the petition may be treated as restricted to issuance of directions to the trial Court for grant of bail and for expediting the trial.

Learned State Counsel and learned counsel for respondent No.2-complainant have no objection if the petitioner is directed to surrender before the trial Court and join the proceedings.

In view of the facts and circumstances of the case, the petitioner is directed to surrender before the trial Court within one month from today and in case the petitioner so surrenders before the trial Court, he shall be released on regular bail by the trial Court on furnishing of bail bonds by him to the satisfaction of the trial Court.

The trial Court is directed to expedite the proceedings and conclude the trial preferably within two months from the date of appearance of the petitioner before it. However, the trial Court shall be at liberty to seek extension of time if the situation so warrants.

With the aforesaid directions, the present petition stands disposed of.

27.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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