

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

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**CRM-M-51588-2019
Date of Decision : 24.01.2020**

Darshan SinghPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent-State.

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 FIR No.104 dated 08.09.1996 registered under Sections 455, 323, 336, 427, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 25 and 27 of the Arms Act, 1959 at Police Station Payal, District Ludhaina and all subsequent proceedings arising therefrom.

The petitioner-Darshan Singh along with his co-accused was charge-sheeted by the SHO, Police Station Payal, Ludhiana to face trial under Sections 452, 323, 336, 427, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959. Co-accused were acquitted vide judgment dated 01.06.2019 passed by Sub-Divisional Judicial Magistrate, Payal. The petitioner is stated to have gone abroad to earn his livelihood. The petitioner was declared proclaimed offender vide order dated 01.10.2008 passed by Judicial Magistrate, 1st Class, Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner was not served with summons and has been declared proclaimed person 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 *Sudo Mandal @ Diwarak Mandal Vs. State of Punjab : 2011(2) RCR (Criminal) 453* 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 has 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 three weeks from today and in case the petitioner so surrenders before the trial Court, he shall be released on regular bail 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.

(ARUN KUMAR TYAGI)
JUDGE

24.01.2020.
Kothiyal

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