

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202-1)

CRM-M-4503-2021

Date of decision:- 29.09.2021

Parminder Singh @ Sonu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Chopra, Senior Advocate with

Mr. B.S.Jaswal, Advocate and
Mr. Anurag Chopra, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab for respondent No.1

Mr. Sangram Singh Saron, Advocate with
Ms. Surabhi Kaushik, Advocate for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of impugned order dated 21.12.2020, Annexure P-26, passed by SDJM, Baba Bakala Sahib, whereby the petitioner has been declared as a “proclaimed absconder” in case FIR No.103 dated 27.04.2019 under Sections 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Beas, District Amritsar, Annexure P-1.

While issuing notice of the petition, this Court passed the following order in the main case on 05.03.2021:-

“Counsel for the petitioner has contended that the FIR is the outcome of a business dispute, which was being taken (sic undertaken) in Dubai. He submits

that the FIR was lodged at Police Station Beas, District Amritsar, on the allegation that payment of more than Rs.1 crore has been received in cash by the complainant within the jurisdiction of the said Police Station. He submits that the petitioner has been declared as a proclaimed offender, vide impugned order (Annexure P-26) and he is willing to surrender before the trial Court within the time granted by this Court subject to deposit of costs.

Notice of motion.

On asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of State-respondent No.1 and Mr. Vipin Mahajan, Advocate accepts notice on behalf of respondents No.2 and 3.

Let the petitioner surrender before the trial Court within a period of six weeks from today and file an application for grant of regular bail. In case, he does so, the trial Court shall grant him interim bail subject to his furnishing bail/surety bonds to the satisfaction of the Court concerned. This will be subject to deposit of Rs.50,000/- as costs with The Poor Patient Welfare Fund, PGIMER, Chandigarh. The deposit of costs will be precondition to the release of petitioner on bail.

List on 28.04.2021.

To be heard along with CRM-M-48733-2019.”

Time to surrender before the trial Court was extended till 31.05.2021 by this Court vide order dated 28.04.2021 on an application moved by the petitioner.

Learned Senior counsel, upon instructions, submits that the petitioner has surrendered before the trial Court and has been released on *ad interim* bail. By referring to receipt dated 10.04.2021, Annexure A-2, he submits that Rs.50,000/- has been deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh as costs in compliance with the order passed by this Court. These facts have not been disputed by the counsel representing the respondents.

Heard.

The objective of Section 82 of the Code of Criminal Procedure, 1973 is to secure the presence of the accused. Once the accused has appeared before the trial Court and joined the proceedings, he can no longer be described as a proclaimed offender. Consequently, the impugned order dated 21.12.2020, Annexure P-26, whereby the petitioner has been declared as a “proclaimed absconder”, deserves to be set aside.

Petition is accordingly allowed. Impugned order dated 21.12.2020, Annexure P-26, passed by SDJM, Baba Bakala Sahib is set aside.

Needless to mention, the petitioner shall not leave the territorial limits of the country without prior permission of the trial Court.

(SUVIR SEHGAL)
JUDGE

29.09.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No