

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

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**CRM-M-7209-2021 (O&M)
Date of Decision: December 09, 2021**

Jatinderbir Singh

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Veneet Sharma, Advocate for the petitioner(s).

Mr. Harsimar Singh Sitta, AAG, Punjab

ANOOP CHITKARA J. (ORAL)

CRM-41606-2021

In view of prayer clause and contents of the application, the same is allowed and A-1 is taken on record.

CRM-M-7209-2021

The present petition has been filed under Section 482 Cr.P.C. for quashing the order dated 09.12.2009 (Annexure P-4) vide which the petitioner was declared a proclaimed offender in FIR No.125 dated 06.10.2008, under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station Qilla Lal Singh, District Batala.

Learned counsel for the petitioner submits that the proclamation order has been issued without following the process of law. Learned counsel for the petitioner further submits that at the time of issuance of proclamation, petitioner was out of country and report to that effect was also made by executing officer. Despite the fact, he was out of country, he was declared proclaimed offender. Now the petitioner is coming back to India on

He also draws attention of this Court to the compromise deed (Annexure P-6). In view of the compromise, proceedings qua the other accused has already been quashed and petitioner also wants to file quashing petition. But due to impugned order, he is unable to come to India.

Given above, considering the compromise arrived at between the parties, the present petition is allowed and the proclamation order 09.12.2009 (Annexure P-4) is set aside subject to the condition that the petitioner shall appear before the concerned Court on or before 07.01.2022, failure to do which this order shall stand automatically recalled under Section 362 Cr.P.C. However, in case the circumstances arise beyond his control like spread of different variants Virus, it shall be open to him to file an application seeking extension of time. It shall also be open for the concerned Court to ask for the requisite bail bonds to its satisfaction in case the FIR is still pending against the petitioner.

It shall be open to the petitioner to file quashing of the FIR on the basis of compromise, if FIR still survives against him.

In the entirety of the aforesaid facts, no coercive steps shall be taken against the petitioner till 07.01.2022.

(ANOOP CHITKARA)
JUDGE

December 09, 2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No