

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17547 of 2021
Date of Decision: 01.07.2021

Balihar Dhillon

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vishal Moudgill, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 05 dated 08.03.2014 and all consequential proceedings arising therefrom as well as the orders dated 11.02.2020 (P-5) and 08.01.2021 (P-6).

The petitioner is an NRI staying in United Kingdom. for the last 32 years. The case FIR No. 05 dated 08.03.2014 under Sections 448, 380 and 34 IPC registered at Police Station NRI, Jalandhar City against the petitioner and three other persons namely Sheela, Sanjeev and Jatinder.

It is submitted that the other co-accused namely, Sheela, Sanjeev and Jatinder were arrested and later on released on bail and faced the trial. The petitioner was declared proclaimed offender vide order dated 05.10.2016 passed by learned Chief Judicial Magistrate, Jalandhar. The co-accused were acquitted of all the charges as it was held that the prosecution had not been able to prove the charges

beyond reasonable doubts. It was held that the co-accused namely, Sheela, Sanjeev and Jatinder had not committed the offence of house trespass by entering into the lawful possession of Harjinder Pal Dhillon, which was used as human dwelling nor had the accused committed theft of household articles.

It is the case of the petitioner that in the year, 2014 when FIR No.5 was lodged against the petitioner, he was abroad. He was not aware of the registration of the case as no summons were ever received by him. It is also submitted that when the petitioner came to know about the pendency of the case and the fact that he has been declared Proclaimed offender, thereafter, he came to India and moved a petition under Section 438 Cr.P.C. before learned Additional Sessions Judge, Jalandhar (NRI Court). The Court vide its order dated 03.02.2018(P-3) directed the petitioner to surrender before the learned trial Court/Duty Magistrate on or before 28.02.2018. It was further directed that in the event of the surrender by the petitioner before learned trial Court/Duty Magistrate, subject to deposit of the sum of Rs. 30,000/- in the account of the DLSA, Jalandhar, he shall be released on interim bail to the satisfaction of Trial Court/Duty Magistrate.

It is the case of the petitioner that he surrendered before learned trial Court and was released on bail. He also deposited Rs. 30,000/- in the account of the DLSA, Jalandhar. Thereafter, the petitioner did not appear before trial Court because of which he has been again declared as Proclaimed offender vide order dated

08.01.2021.

It is contended by learned counsel for the petitioner that the petitioner had been informed by his counsel that he would be intimated as and when he is required to appear but, the petitioner did not receive any information regarding appearance due to which he could not appear before the Court. It was never the intention of the petitioner to evade the process of law. He states that the petitioner is ready to surrender before learned trial Court and face trial.

Taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 17.11.2021. On his doing so, he shall be released on interim bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking to continue appearing before the Court as and when required apart from following all the terms and conditions fixed in this respect. This shall subject to deposit an amount of Rs.100,000/- (one lakh only) by the petitioner in the Chief Minister Punjab Covid Relief Fund.

[HARINDER SINGH SIDHU]
JUDGE

July 01, 2021

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no