

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

107

**CRM-M-18486-2021
Date of Decision: 03.05.2021**

Jagdeep Singh

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Paramjit Singh Bal, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. has been moved by petitioner for quashing of order dated 26.02.2020 (Annexure P/3) passed by Sub Divisional Judicial Magistrate, Khanna, in terms of which, petitioner-witness has been declared proclaimed offender, with further prayer of quashing of order dated 11.02.2021 (Annexure P/4) passed by Sub Divisional Judicial Magistrate, Khanna, in terms of which, salary of petitioner was attached.

Learned counsel for the petitioner *inter alia* contends that petitioner being prosecution witness appeared before the Trial Court on 09.02.2017 and though his examination-in-chief was recorded, however, his cross-examination was deferred on the request of counsel for accused. He further urges that on subsequent date, petitioner could not appear before

Trial Court due to exigencies of duties. He further urges that on account of

non-appearance of petitioner, non-bailable warrant was issued against him and ultimately, he was declared proclaimed offender in case FIR No.226 dated 21.08.2016, under Section 420 IPC and Section 13-A of Gambling Act, registered at Police Station City Khanna, District Ludhiana, which case FIR was investigated by him. He further urges that vide order dated 11.02.2021 (Annexure P/4) passed by Sub Divisional Judicial Magistrate, Khanna, salary of petitioner was attached as he could not appear in Court to depose in the above said case. Learned counsel for the petitioner further submits that petitioner is ready to appear before Trial Court to depose in the above said case FIR on the next date of hearing i.e. 20.05.2021 or any other date fixed by the Trial Court. He further submits that interim relief may be granted to petitioner so that he may put his appearance before the Trial Court.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him.

A bare perusal of contents of petition seems that though petitioner being prosecution witness had put in appearance before Trial Court and his examination-in-chief was recorded, but his further examination was deferred on the request of counsel for accused. Petitioner has categorically narrated that on account of exigencies of duties, he could not appear before Trial Court and has shown his earnest desire to submit his appearance before Trial Court to depose in the above said case FIR.

In view of above, the present petition is disposed of with the direction to petitioner to appear before Trial Court on 20.05.2021 or any other date thereafter fixed by the Trial Court so that deposition of petitioner as witness is concluded at the earliest.

Meanwhile, no coercive steps shall be taken against the petitioner qua his arrest in respect of instant case FIR. In case, petitioner appears before the Trial Court as per above said undertaking, in that eventuality, Trial Court shall make appropriate order for releasing his salary from attachment as coercive methods cannot be applied in respect of witness and that too in perpetuity.

(LALIT BATRA)
JUDGE

03.05.2021

Varinder Prashad

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No