

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

CRM-M-22670-2021 (O&M)

Date of decision: 30.09.2021

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting-aside the order dated 04.01.2019 (Annexure P4) passed by the trial Court vide which the petitioner has been declared as proclaimed person in FIR No.148 dated 29.10.2015 registered under Sections 420/120-B IPC at Police Station Chatiwind, District Amritsar (Rural).

On 06.07.2021, the following order was passed:

“Counsel for the petitioner has submitted that the petitioner is serving as a Head Constable in Punjab Police and was not aware of the registration of the FIR and he has been declared as proclaimed person without following the proper procedure under Section 82/83 Cr.P.C. It is further submitted that even as per the allegations in the FIR, the petitioner has approached the complainant with an offer that 02 ladies who are owner in possession of the land, are ready to sell the same and a deal was settled and the earnest money of Rs.8.55 lacs

was deposited in the account of the petitioner and after the sale deed was executed, the mutation could not be entered as it was found that the same do not belong to 02 ladies namely Dimple and Moti.

Counsel for the petitioner has also submitted that initially the petitioner had joined the enquiry in the said case and the FIR was registered later on. It is also submitted that due to inimical relation in the village, the Sarpanch on the publication under Section 82/83 Cr.P.C. has given a wrong report that he is not available at his address in the village though it was known to him that the petitioner was serving in Punjab Police and was posted outside and therefore, he was not available at the given address.

Counsel for the petitioner has further submitted that in order to show his bona fide, the petitioner is ready to deposit the costs of Rs.30,000/- with the Punjab & Haryana High Court Bar Association Advocates Welfare Fund.

Counsel for the State has raised an objection that since the petitioner was declared as proclaimed person and he has never been arrested, he be directed to join the investigation.

List again on 30.09.2021.

In the meantime, the operation of the impugned order dated 04.01.2019 shall remain stayed subject to the condition that the will surrender before the trial Court within a period of 15 days from today and the trial Court will release him on interim bail subject to his furnishing fresh bail/surety bonds and on payment of costs of Rs.30,000/- to be deposited with the Punjab & Haryana High Court Bar Association Advocates Welfare Fund.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to aforesaid order, had surrendered before the trial Court within

the time stipulated and was released on interim bail on furnishing bail/surety bonds and after deposit of costs of Rs. 30,000/- with Punjab & Haryana High Court Bar Association Advocates Welfare Fund.

The aforesaid fact is not disputed by learned State counsel.

In view of the above, considering the fact that the petitioner has already appeared before the trial Court and has also deposited the aforesaid costs as imposed by this Court, the present petition is allowed and order dated 06.07.2021 is made absolute and impugned order dated 04.01.2019 (Annexure P-4) passed by the trial Court, declaring the petitioner a proclaimed person, is also set aside.

30.09.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No