

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

Sr. No.122

CRM-M-23718-2021

Date of Decision: 03.12.2021

PALWINDER SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(through video conferencing)

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioner submits that in the present case, the petitioner had left India for England in the year 2009 for pursuing higher education and the FIR in question was registered in the year 2013 i.e. after a period of four years wherein, the petitioner as well as his father were made accused. Learned counsel further submits that the petitioner did not return to India thereafter till the year 2021 and by the said time, the petitioner had already been declared as a proclaimed person vide order dated 10.03.2014 but the father of the petitioner, who had joined the proceedings, was acquitted of the allegations alleged in the FIR by the trial Court vide order dated 29.07.2017. Learned counsel further submits that even the appeal filed against the acquittal of the father of the petitioner has already been dismissed. Learned counsel submits that the petitioner was not in India, when the FIR was registered or when he was declared as proclaimed person and as, the petitioner is ready to join the proceedings, the petitioner may kindly be protected.

Learned State counsel does not dispute the facts, which have been stated hereinbefore but submits that as the father of the petitioner was involved

in the FIR, the ignorance of the proceedings, as being pleaded by the petitioner, cannot be claimed.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the allegations alleged against the petitioner relate to the year 2009 and the FIR on the said allegations was registered in the year 2013 and by the said time, the petitioner had already left India and was residing in England pursuing his higher studies hence the benefit of doubt has to be given to the petitioner that the petitioner was not evading the proceedings.

Furthermore, the father of the petitioner has already been acquitted of the allegations honourably by the competent Court of law which judgment has already attained finality, said fact cannot be ignored while passing the order so as to allow the petitioner to join the proceedings.

Keeping in view the said facts, in the interest of justice, as the petitioner has undertaken before this Court that he intends to join the proceedings before the trial Court, so as to surrender, it is directed that in case the petitioner surrenders himself before the trial Court within a period of two weeks, he be allowed to join the proceedings and be also allowed the concession of anticipatory bail, subject to the terms and conditions to be fixed by the trial Court at the time of surrender.

Disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03.12.2021
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Whether speaking/reasoned	:	Yes
Whether reportable	:	YesNo