

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36246-2021 (O&M)

Date of Decision: 06.09.2021

Gurwinder Singh Rattan

... Petitioner

VERSUS

State of Punjab and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Sunny K. Singla, Advocate
 for the petitioner.
 Ms. Rashmi Attri, AAG, Punjab
 Mr. M. S. Yadav, Advocate
 for respondent No. 2.

JAISHREE THAKUR, J.(Oral)

The instant petition has been filed by the petitioners for quashing of order dated 03.02.2011 passed by the JMIC Ludhiana in FIR No. 70 dated 02.06.2010 under Sections 323, 406, 420, 498-A, 467, 468, 471, 120-B, 506 IPC registered at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner would contend that the petitioner was not available in India on the date the P.O. impugned order declaring him proclaimed offender was passed. It is argued that in fact he was residing in Hamburg, Germany and the said order is contrary to the provisions of law as there is non-compliance of Section 82 Cr.P.C. , apart from the fact that no effort was made to have him summoned through the Embassy concerned. It is further submitted that other accused in the FIR already stand exonerated and in fact the matter stands compromised with the

complainant as well as the petitioner and he is also ready and willing to join the proceedings before the Court below.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab accepts notice on behalf of the respondent-State and would submit that the petitioner herein had been declared a proclaimed offender vide order dated 03.02.2011.

Mr. Mahipal S. Yadav, Advocate has put in appearance on behalf of respondent No. 2 by filing power of attorney and submits that the complainant has no objection in case the impugned order is set aside as the matter stands compromised between the parties.

I have heard learned counsel for the petitioner and with his assistance perused the pleadings of the case. In view of the fact that the petitioner is ready and willing to join the proceedings before the trial Court, the arrest of the petitioner is stayed for a period of ten weeks from today to enable him to appear before the trial Court. On doing so, he will move an appropriate application to have the impugned order set aside, pursuant to which the trial Court shall admit him to bail subject to the satisfaction of the trial Court.

Petition stands disposed of accordingly.

Other miscellaneous applications, if any, pending on date, are disposed of.

06.09. 2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No