

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

(Heard through VC)

CRM-M-36443 of 2020 (O&M)
Date of Decision: January 28, 2021

Sandeep Kumar @ Sonu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.K. Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.142 dated 06.12.2015, registered under Sections 420, 120-B of Indian Penal Code at Police Station Bullowal, District Hoshiarpur along with order dated 29.10.2018 whereby, the petitioner has been declared as Proclaimed Offender.

Counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case and after the registration of the FIR, he and other co-accused entered into a compromise with the complainant on 06.01.2016. Thereafter, the complainant had gone abroad and his father was examined before the trial court, however, the father of the complainant failed to support the prosecution case. It is contended that thereafter, the petitioner herein has also gone abroad and was declared as

proclaimed offender on 29.10.2018. It is submitted that the trial court has acquitted the co-accused by its judgment dated 25.02.2019. It is prayed that the instant FIR along with the order declaring the petitioner as proclaimed offender be quashed, in view of the compromise and acquittal of co-accused by the trial court.

Notice of motion to respondent No.1-State only.

At this stage, Ms. Monika Jalota, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1-State and opposes the prayer for quashing of the FIR. She would contend that the petitioner herein had jumped the bail and gone to abroad, therefore, could not pray for quashing of the FIR and must face the trial. She would also rely upon judgment rendered by the Supreme Court in ***State of M.P. vs. Pardeep Sharma, Criminal Appeal No.2041 of 2013 decided on 06.12.2013*** wherein, it has been held that in case, a person has been declared as PO, then he should not be allowed the benefit of anticipatory bail and must face the trial.

I have heard counsel for the parties.

Under the facts and circumstances of the present case, this court is not inclined to allow the prayer of the petitioner for quashing of the said FIR and deems it appropriate to direct him to appear before the trial court and face the trial in accordance with law. Considering the fact that co-accused have already been acquitted and matter has also been compromised, it would be appropriate to stay the arrest of the petitioner for a period of ten days, in order to enable him to surrender before the trial court and move an appropriate application for setting aside the PO order. Therefore, the instant

petition is being disposed of with a direction that arrest of the petitioner shall remain stayed for a period of ten days from today and in case, he surrenders before the trial court within the stipulated period, he shall be admitted to bail by the trial court on his furnishing the adequate personal bond and surety bond to its satisfaction. The petitioner is also directed to move an application for recalling of the order declaring him as proclaimed offender and to explain the circumstances for remaining absent from the trial and that application shall be considered and disposed of by the trial court within a period of two weeks in accordance with law.

The petition stands disposed of with the aforesaid directions.

January 28, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No