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

CRM-M-41692-2021
Date of decision : 06.10.2021

Anand Saroop Singh @ Nand Saroop Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Krishan Singh Dadwal, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.67 dated 10.08.2016 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Bholath, District Kapurthala (Annexure P-1) alongwith all the subsequent proceedings arising therefrom and order dated 03.05.2018 (Annexure P-2) declaring the petitioners as proclaimed offenders.

Learned counsel for the petitioners has submitted that the petitioners would not press the present petition as far as quashing of the FIR is concerned but lays a challenge to the order declaring them as proclaimed offenders. It has been submitted by the learned counsel for the petitioners that

in the present case, the petitioners had left India on 19.07.2016 and for the said purpose, he has referred to the passports of the petitioners (Annexures P-3 and P-4). It has been submitted that the FIR was registered on 10.08.2016 subsequent to the said date i.e. on 19.07.2016. It has further been submitted that the petitioners were never served in USA where they had been residing at the time when the FIR was registered before declaring them as proclaimed offenders. It is further submitted that both the petitioners are old persons i.e. 73 years of age and 72 years of age respectively, and they are wanting to join the proceedings and would undertake to not abscond from the said proceedings. It is also submitted that even as per the FIR and the prosecution case, the main allegation is against the son of the petitioners namely Tejinderjit Singh and it is the said Tejinderjit Singh, who had given 19 cheques to the complainant, while negotiating the matter with him.

Learned counsel for the petitioners has further submitted that in the present case, the petitioners have been declared as proclaimed offenders whereas as per the provision of Section 82(4) of Cr.P.C., they could have at best be declared as proclaimed persons, since, the offences which have been alleged in the present FIR would not be included under the offence which has been mentioned in Section 82(4) of Cr.P.C.

Learned counsel for the petitioners has relied upon judgment dated 21.11.2018 passed by the Coordinate Bench of this Court in CRM-M-51100-2018 titled Karamjit Kaleka Vs. State of Punjab, in order to state that a similar matter was disposed of on the first date itself. Further, reliance has been placed upon judgment dated 24.01.2021 passed by the Coordinate Bench of this Court in CRM-M-51588-2019 titled Darshan Singh Vs. State

of Punjab, wherein, the matter was disposed of on the first date itself also.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the State and has opposed the present petition and has prayed for dismissal of the same.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioners are aged persons of 73 years and 72 years of age respectively, and also the fact that the petitioners had gone abroad prior to the registration of the FIR and are now ready to join the proceedings and also keeping in view the fact that the main accused in the case is Tejinderjit Singh and the fact that as per the provisions of Section 82(4) of Cr.P.C., the petitioners could not have been declared as proclaimed offenders and at best, could have been declared as proclaimed persons, the present petition is disposed of with a direction to the trial Court that in case, the petitioners surrender within a period of one month from today, then the trial Court shall release them on bail on their furnishing bail bonds to its satisfaction. In case of appearance, the order declaring them as proclaimed offender shall be deemed to have been set aside.

The petition stands disposed of in abovesaid terms.

06.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No