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

CRM-M No.37308 of 2020

Date of Decision: 06.01.2021

Sukhjinder Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG Punjab,

Mr. G. S. Verma, Advocate
for the Complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

This petition has been preferred under Section 482 Cr.P.C. for issuance of appropriate directions to the trial Court for the release of the petitioner on bail in the event of his appearance before the trial Court in case bearing FIR No.7 dated 06.01.2015 registered under Sections 452, 323, 324, 148, 149 IPC at PS Dasuya, District Hoshiarpur i.e. a cross-version registered on the basis of statement of Boota Singh.

During investigation, the police has deleted the offence under Section 452 IPC and added the offence under Section 325 IPC in the FIR. The petitioner has also assailed the order dated 20.03.2018 and order dated 04.09.2018 vide which his bail was cancelled and he was declared as proclaimed offender.

On 12.11.2020, the following order was passed by this Court:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that FIR No.7 dated 6.1.2015 was registered under Sections 452, 323, 324, 148, 149 IPC at Police Station Dasuya District Hoshiarpur at the instance of Boota Singh. Petitioner was shown to be armed with dang. Cross version was recorded on the basis of statement of Rashpal Singh for the offences under Sections 342, 323, 148 and 149 IPC against the complainant party. During investigation, offence under Section 452 IPC was deleted and Section 325 IPC was added. All the offences are bailable in nature. Petitioner was granted bail, but owing to his assignments in Italy, he could not appear before the Court and resultantly, his bail was cancelled on 20.3.2018 by the Sub Divisional Judicial Magistrate, Dasuya. Petitioner was declared as proclaimed offender vide order dated 04.09.2018. Learned counsel for the petitioner further submits that at the most, petitioner could have been declared as proclaimed person. Petitioner is still willing to join the proceedings.

Notice of motion for 06.01.2021.

Petitioner undertakes to surrender before the trial Court within a period of six weeks, in view of Covid

situation in Italy and in India. In the event of his appearance before the trial Court, he shall be released on interim bail to the satisfaction of the trial Court.”

Learned counsel for the petitioner submitted that the petitioner has surrendered before the trial Court on 10.12.2020 and has been released on interim bail vide order dated 10.12.2020 passed by the Judicial Magistrate 1st Class, Dasuya.

Learned counsel for the complainant on the other hand opposed the petition on the ground that the petition was filed through attorney and the petition itself is not maintainable.

At the time of passing of order dated 12.11.2020, this Court has recorded the contention of the learned counsel for the petitioner that for the offence in question, at the most the petitioner could have been declared as proclaimed person. There is an inherent illegality in the order declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner showed the willingness of the petitioner to join the proceedings. On that premise the order dated 12.11.2020 was passed.

Since the petitioner has already appeared before the trial Court on 10.12.2020 and has been granted interim bail, therefore, I deem it appropriate to dispose of the present petition by making the interim order as absolute. Petitioner shall keep on appearing before the trial Court on each and every date

of hearing.

This order is being passed in view of peculiar facts and circumstances of the case and would not be construed to be a precedent on the subject matter. Disposed of.

January 06, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No