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

CRM-M No.3333 of 2021 (O&M)

Date of decision: 15.03.2021

Sanjeev

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 02.12.2017 passed by the trial Court vide which the petitioner has been declared as proclaimed offender in FIR No.76 dated 24.04.2017 registered under Sections 323/341/506/308/148/149 IPC at Police Station 'C' Division, Amritsar.

Counsel for the petitioner has argued that in fact, there was a compromise between the parties, which was effected on 27.10.2017 (Annexure P2) and on that premise, the petitioner was under impression that he need not to appear before the trial Court.

Counsel for the petitioner has further submitted that on the basis of the compromise, the co-accused of the petitioner has already been acquitted by the Additional Sessions Judge, Amritsar, vide judgment dated 06.11.2017 (Annexure P3).

Counsel for the petitioner has relied upon the order dated 14.03.2019 (Annexure P5) passed by this Court in CRM-M No.9296 of

2019, vide which one of the co-accused of the petitioner namely Sahni @ Rakhsana, who was also declared a proclaimed offender vide order of even date i.e. 02.12.2017, was granted the concession to appear before the Investigating Officer and arrest was stayed.

A perusal of the order dated 14.03.2019 show that it was observed by this Court that the compromise was effected between the parties and some of the co-accused of the petitioner were acquitted by the trial Court, however, without following the proper procedure, the petitioner was declared a proclaimed offender though, even challan was not presented against her.

Counsel for the State has not disputed the factual position but opposed the prayer.

In view of the above, this petition is allowed; the order dated 02.12.2017 declaring the petitioner as proclaimed offender is set-aside and it is directed that the petitioner will surrender before the trial Court/Illaq Magistrate/Duty Magistrate within a period of 15 days from today and he will be released on interim bail subject to his furnishing bail/surety bonds and on payment of costs of Rs.5,000/-, to be deposited with the District Legal Services Authority, Amritsar.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2021
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