

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

(Heard through VC)

CRM-M-43417 of 2020 (O&M)
Date of Decision: January 27, 2021

Sukhwant Singh @ Pappu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.K.S. Phoolka, 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.86 dated 05.09.2013, registered under Sections 454, 380 of Indian Penal Code at Police Station Jaitu, District Faridkot along with order dated 13.11.2018 whereby, the petitioner has been declared as Proclaimed Offender.

Counsel for the petitioner herein would contend that the petitioner had been nominated as an accused under the said FIR and had been granted bail. However, during the pendency of the said FIR, he had gone abroad to Beirut and consequently, had been declared as proclaimed offender by an order dated 13.11.2018. It is submitted that meantime, the trial was held against the remaining accused and that the prosecution failed to prove their guilt, consequently, by the judgment dated 09.04.2019 passed

by Ld. SDJM Jaito, Faridkot, all the remaining accused stood acquitted. Counsel for the petitioner would contend that he has returned only recently as 22.07.2020 and has found that he has been declared as Proclaimed Offender. He prays for quashing of the FIR, since co-accused already stood acquitted by the judgment dated 09.04.2019.

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 Beirut, 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.

The facts are not in dispute that the petitioner herein jumped the bail that had been allowed to him as far back as 2013 and subsequently, he had been declared as PO by an order dated 13.11.2018 on account of the fact that he did not put an appearance, despite procedure under Section 82 Cr.P.C. having been complied with. 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, it would be appropriate to stay the arrest of the petitioner for a period of one week, 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 one week 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 27, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No