

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CRM-M-48488-2021

Date of Decision : November 22, 2021

Harinder Singh @ Bitu

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though the petitioner is praying for quashing of FIR No.168 dated 30.09.2009 registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station Garhshankar, District Hoshiarpur but he has instructions not to press the said prayer, at this stage. Learned counsel for the petitioner further submits that as the petitioner intends to come to India and join the proceedings coupled with the fact that the FIR qua his mother, who was also arrayed as an accused, has already been quashed by this Court while deciding CRM-M-24418-2014 on 15.09.2016, the petitioner may be protected from arrest. Learned counsel for the petitioner further submits that the FIR was registered on 30.09.2009 whereas, immediately within a period of 30 days of registration of the said FIR, the petitioner had left India without there being any knowledge of the said FIR and is yet to return to India thereafter

and in the meanwhile, the petitioner was declared as a proclaimed offender and that too without following the due procedure.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that in case, the petitioner intends to join the proceedings, and if the statement of the petitioner is correct that before the petitioner came to know about the FIR, he had already left India and is yet to return, thereafter, State has no objection in case, the petitioner is protected upon joining the proceedings.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The case set up by the petitioner in the present case is that the petitioner is out of country for the last more than 11 years and had left the country without there being any knowledge of the registration of FIR No.168 dated 30.09.2009 containing the allegations against the petitioner and the petitioner was declared a proclaimed offender after which FIR No.69 dated 21.05.2011 was registered against him under Section 174-A of the IPC. Furthermore, FIR No.168 dated 30.09.2009 has already been quashed qua the mother of the petitioner by this Court and the petitioner intends to return to India and join the proceedings.

Keeping in view the facts and circumstances stated hereinbefore, the petitioner has made out a case for his protection when he joins the proceedings before the trial Court. It is directed that in case, the

petitioner surrenders before the trial Court in respect of both the FIRs, he be admitted to anticipatory bail to the satisfaction of the Illaqa Magistrate concerned/trial Court.

In view of the above, the present petition is disposed of.

November 22, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No