

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

CRM-M No.49631 of 2021 (O&M)

Date of decision: 26.11.2021

Gurmukh Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 11.09.2015 vide which the petitioner was declared as proclaimed offender in FIR No.233 dated 27.09.2009 registered under Sections 452, 323 506, 148, 149 IPC at Police Station Shimlapuri, District Ludhiana.

Counsel for the petitioner has argued that the petitioner was not aware about the fact that he was declared as proclaimed offender and he was appearing before the trial Court and even when the statement of the prosecution witnesses was recorded, he was present in the Court and all the relevant witnesses resiled from their statement and therefore, the trial Court vide judgment dated 14.09.2015 has acquitted all the other co-accused, though the petitioner, who is accused No.4 was shown to be declared as proclaimed offender in view of the aforesaid order. It is further submitted that the petitioner is ready to surrender before the trial Court and apply for bail and face the trial as no fresh evidence is likely to come, which may result into conviction of the

petitioner and therefore, the petitioner be permitted to join the proceedings.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent – State and argued that on account of causing delay, the trial is to be reconducted and therefore, costs be imposed upon the petitioner.

In view of the above, the present petition is allowed and the order dated 11.09.2015, declaring the petitioner as proclaimed offender is set-aside and the petitioner is directed to appear before the trial Court within a period of 30 days from today and the trial Court will release the petitioner on regular bail on his furnishing bail/surety bonds and on payment of costs of Rs.15,000/-, to be deposited with the District Legal Services Authority, Ludhiana.

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

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

26.11.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No