

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(237)

CRM-M-3646-2022
Date of decision: - 21.02.2022

Sanjeev Kumar alias Sanjeev Sharma

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Saurab Arora, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab
for respondent No.1.

Mr. Pranav Chadha, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 of the Cr.P.C. praying for quashing of order dated 02.03.2019 (Annexure P-3) vide which the petitioner has been declared as proclaimed person in FIR No.59 dated 11.07.2012, registered under Sections 307, 427, 120-B, 147, 148 & 149 of the Indian Penal Code, 1860 and Sections 25(54) of the Arms Act, 1959 (Section 34 of IPC has been added later on), at Police Station Phase-8, District SAS Nagar, Punjab (Annexure P-1).

On 31.01.2022, a Co-ordinate Bench of this Court was pleased to pass the following order: -

'The present petition has been filed under Section 482 of the Cr.P.C. praying for quashing of the order dated 02.03.2019 (Annexure P-3) vide which the petitioner has been declared as proclaimed person in FIR No.59 dated 11.07.2012 under Sections 307, 427, 120-B, 147, 148 & 149 of the IPC and Sections 25(54) of the Arms Act (Section 34 added later on in Challan), Police Station Phase-8, District SAS Nagar, Punjab (Annexure P-1).

Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the FIR and the main accused, namely Baljeet Chaudhary, in the present case, had caused the injuries and the petitioner, who had gone to Australia on 5th December, 2017, has now come back in December, 2021. Learned counsel for the petitioner further submitted that the present FIR is result of the students politics and the petitioner was not involved in the same. Learned counsel has also submitted that even otherwise the matter has been settled with the complainant by way of Compromise Deed vide Annexure P-5 and the petitioner is ready and willing to surrender before the learned trial Court immediately to join the proceedings and has prayed that he may be granted protection till the time he appears before the trial Court. Learned counsel for the petitioner has further submitted that wife of the petitioner is living in Australia and she is expecting delivery of baby in June, 2022.

Notice of motion.

On the asking of the Court, Mr. A.K. Kaundal, DAG, Punjab, present in the Court, accepts notice on behalf of the State.

At this stage, Mr. Pranav Chadha, Advocate, has caused appearance through Video Conferencing on behalf of the complainant-respondent No.2.

Let requisite number of copies of the Paperbook be supplied to both the Counsel.

It has been submitted by Mr. Pranav Chadha, learned counsel for the complainant-respondent No.2 that it is correct that a compromise has been effected between the petitioner and respondent No.2, who is the complainant in the present case and he has no objection in case any interim protection is granted to the petitioner, if he is willing to surrender before the learned trial Court.

In view of the above facts, it is directed that the petitioner shall

surrender before the trial Court within a period of one week from today. In case, any application is moved by the petitioner before the learned trial Court for grant of bail then the same shall be considered and disposed of by the learned trial Court as expeditiously as possible.

Adjourned to 21.02.2022.

January 31, 2022

(JASGURPREET SINGH PURI)

JUDGE”

Learned counsel for the petitioner as well as respondent No.2 have jointly submitted that in pursuance of the above-said order dated 31.01.2022, the petitioner had appeared before the trial Court and vide order dated 07.02.2022, the petitioner has been granted the bail on his furnishing personal bail bond in a sum of Rs.1,00,000/- with two local sureties of the like amount each, to the satisfaction of the Court and subject to certain conditions and with the direction to the petitioner of surrendering his passport on 11.02.2022.

The relevant portion of the said order dated 07.02.2022 is reproduced as under: -

“7. After giving thoughtful considerations to the rival contentions and going through the record of the case, this Court is of the considered view that the instant bail application merits acceptance.

From perusal of record, it is revealed that the accused/applicant Sanjeev Kumar @ Billa Faridkotia was granted regular bail vide order dated 09.08.2012 by the Court of Sh. Rajinder Aggarwal, the then learned Additional Sessions Judge, SAS Nagar, (Mohali). However as the accused/applicant has absented himself from the proceedings hence his bail order as canceled and thereafter he was declared as proclaimed offender. Now, the accused/applicant has surrendered in compliance with the order passed in CRM-M No.3646-2022 by the Hon’ble High Court in quashing petition on the basis of compromise filed by the parties. Further, the record reveals that the accused/applicant had been regularly appearing on the remand papers

and when he became absent, the case was fixed for presence of remaining accused. There was nothing on record which suggest the the accused/applicant had been served with process of court after his absence. Even otherwise, now the accused/applicant has surrendered himself in compliance with the order of the Hon'ble High Court which shows his bonafide. Keeping in view all these facts and circumstances, there seems to be no idea to send the accused/applicant behind bars at this stage, especially when the chances of his absconding from law and proceedings can be minimized by subjecting him to furnish some kind of heavy and sound surety this time. Accordingly, without commenting anything on the merits of the present case, the accused/ applicant is re-admitted to regular bail on his furnishing personal bond in the sum of Rs.1,00,000/- with two local sureties of the like amount each, to the satisfaction of this court/Illaqa/Duty Magistrate subject to the following conditions:-

- i) that he shall appear in the court on each and every date of hearing;*
- ii) that he shall not tamper with the prosecution evidence;*
- iii) that he shall not leave India without prior permission of the court.*

The accused/applicant is also directed to surrender his passport on 11.02.2022 i.e. the date fixed in the main trial. The bail application is disposed off accordingly. Papers be attached with the main trial file.

Pronounced.

07.02.2022

(Devinder Kumar Gupta)

Addl. Sessions Judge.

S.A.S. Nagar, Mohali.

(UID No.PB00520)”

It is further submitted that in pursuance of the order dated 07.02.2022, the original passport has been deposited by the petitioner.

Keeping in view the above-said facts and circumstances, the present petition is allowed and order dated 02.03.2019 (Annexure P-3), passed by the Judicial Magistrate 1st Class, SAS Nagar, declaring the

petitioner as proclaimed offender in FIR No.59 dated 11.07.2012, registered under Sections 307, 427, 120-B, 147, 148 & 149 IPC and Sections 25(54) of the Arms Act, 1959 (Section 34 of IPC has been added later on), at Police Station Phase-8, District SAS Nagar, Punjab (Annexure P-1), is set aside.

February 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No