

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CRM-M-5212-2022

Date of Decision : February 09, 2022

Manga

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Navdeep Kalair, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed for quashing of the order dated 16.07.2016 by which the petitioner was declared a proclaimed person in DDR No.21 dated 02.07.2012 under Sections 452, 323, 148, 149 and 427 of the IPC, which was registered as a cross case to the FIR No. 161 dated 02.07.2012 registered under Sections 323, 324, 509 and 34 of the IPC at Police Station Sadar Nakodar, Jalandhar City.

Learned counsel for the petitioner submits that the petitioner was not served as required under the provisions of Code of Criminal Procedure before the petitioner was declared a proclaimed person as the petitioner in course of his employment was at Abu Dhabi and was not in

country when the order declaring the petitioner as proclaimed person was passed on 16.07.2016. Learned counsel for the petitioner further submits that in the present case, the parties had already compromised their issue and on the basis of the compromise, to which the petitioner was also a party, FIR as well as DDR has also been quashed against the co-accused who had approached this Court for quashing of FIR as well as DDR in question on the basis of the said compromise but as the petitioner was not in India, hence he could not be made a party to the petition of the co-accused seeking quashing and therefore, the DDR qua the petitioner is still alive as of now. Learned counsel further submits that the petitioner may kindly be protected keeping in view the facts and circumstances of this case as the petitioner intends to join the proceedings of the DDR No.21 dated 02.07.2012.

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 is ready to join the proceedings, keeping in view the facts and circumstances of this case as recorded in the averments in the present petition, the State has no objection in case the petitioner is protected when he surrenders before the competent Court of law so as to join the proceedings.

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

Keeping in view the facts and circumstances of this case where the FIR in question and the cross case in DDR has already been quashed on the basis of the compromise against other co-accused facing similar allegations and the petitioner was also party to the said compromise and the proceedings qua the petitioner remain alive as the petitioner was out of India and was not party in the petition seeking quashing of FIR and DDR in question and was declared a proclaimed person in the meanwhile, interest of justice will be served in case, the petitioner is protected, if the petitioner surrenders before the trial Court to join the proceedings in respect of DDR No.21 dated 02.07.2012.

The concerned trial Court is directed that in case, the petitioner surrenders before the Court in next two weeks, so as to join the proceedings in respect of DDR No.21 dated 02.07.2012, the petitioner be released on anticipatory bail subject to the conditions to be imposed by the trial Court.

The present petition is disposed of in above terms.

February 09, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No