

281 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6308-2021

Date of Decision: 3rd August, 2022

Gurdeep Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Aayush Gupta, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Rishabh Garg, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking quashing of FIR No. 301, dated 4th November, 2009, under Sections 323, 324, 307, 382, 427, 148 and 149 of Indian Penal Code, 1860 (Section 326 of IPC, 1860 added later on), registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, on the basis of compromise.

2. On 15th February, 2021 following order was passed:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for quashing of FIR No. 301 dated 4.11.2009, under Sections 323, 324, 307, 382, 427, 148 and 149 IPC (Section 326 IPC added lateron), registered at Police Station Sadar Hoshiarpur and the order vide which the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that immediately after registration of the FIR, the petitioner went abroad and was not aware of the proceedings and was declared proclaimed offender. He further submits that the co-accused have already been acquitted. To show the bonafide and considering the period for which he remained proclaimed offender, the petitioner is ready to deposit Rs.1,50,000/- as cost.

Notice of motion subject to deposit of Rs.50,000/- in Poor Patient Welfare Fund, PGI, Chandigarh; Rs.50,000/- in Punjab Police Welfare Fund and Rs.50,000/- in Lawyers' Welfare Fund, Punjab & Haryana High Court, Chandigarh.

Ms. Samina Dhir, DAG, Punjab and Mr. Davinder Singh, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 & 3, respectively.

List on 25.2.2021.”

3. Learned counsel for the petitioner after arguing for some time realised that there is an issue with regard to maintainability of this petition, in view of the judgment of the Supreme Court in “State of Madhya Pradesh v. Laxmi Narayan and others, 2019(2) RCR (Criminal) 225.”

4. At this stage, learned counsel for the petitioner restricts his prayer for setting aside the order declaring the petitioner proclaimed person. He submits that in pursuance of the order dated 15th February, 2021, the petitioner appeared before the Court concerned and will now appear before the Court within two weeks.

6. In case, the petitioner appears before the Court concerned within two weeks, he shall be released on bail subject to his furnishing surety bonds to the satisfaction of trial Court. The Court concerned would be at liberty to impose such conditions as deems necessary to ensure the presence of the petitioner during the trial.

7. Considering that the FIR is of the year 2019, an earnest effort would be made by the prosecution as well as the trial Court to proceed with the matter in an expeditious manner.

8. Petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

3rd August, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No