

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

269

CRM-M-5504-2020 (O&M)
Date of decision:29.03.2022

Gurwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of order dated 27.10.2014 whereby learned Additional Sessions Judge, Jalandhar declared the petitioner as proclaimed offender in FIR No.251 dated 28.10.2011, registered under Sections 323, 379, 148, 149 of Indian Penal Code (Section 308, 325, 506 and 34 IPC was added later on) at Police Station Nakodar, District Jalandhar.

On 10.02.2020, this Court passed the following order:-

“Prayer in this petition is for quashing of order dated 27.10.2014, passed by the Additional Sessions Judge, Jalandhar, vide which the petitioner was declared a

proclaimed offender in case FIR No. 251 dated 28.10.2011, under Sections 323, 379, 148, 149 of the IPC (Sections 308, 325, 506, 34 of the IPC added later on), registered at Police Station Nakodar, District Jalandhar.

Learned counsel for the petitioner submits that it is a case of version and cross-version and the petitioner is an accused in aforesaid FIR No.251, in which after a full length trial, his co-accused have already been acquitted by the trial Court, vide judgment dated 20.04.2015 (Annexure P-5).

Learned counsel for the petitioner further submits that even in the cross-version, the co-accused, who had allegedly caused injuries to the petitioner, have also been acquitted by the trial Court, vide separate judgment dated 20.04.2015 (Annexure P-6).

Learned counsel for the petitioner, thus, argues that even if the petitioner is put to trial, there is no possibility of his conviction, in view of the aforesaid judgments.

Notice of motion for 29.04.2020.

In the meantime, the petitioner is directed to appear before the trial Court within a period of ten days from today and on doing so, the trial Court shall release him on interim bail, subject to his furnishing bail/surety bonds to its satisfaction and on deposit of Rs. 30,000/- as costs with the District Legal Services Authority, Jalandhar.”

Learned counsel for the petitioner has placed on record a copy of the order dated 14.02.2020, vide which in compliance of the order dated 10.02.2020, the petitioner has put in appearance before the trial Court and released on bail.

The aforesaid fact is not disputed by learned State counsel.

In view of the afore-stated position, the present petition is allowed. The impugned order dated 27.10.2014 is set aside and the order dated 10.02.2020 is made absolute.

(ARVIND SINGH SANGWAN)
JUDGE

29.03.2022

geeta

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No