

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

1. CRM-M-12351-2022 (O&M)

Tajeshwar Singh @ Manu

...Petitioner

Versus

State of Punjab and another

...Respondents

2. CRM-M-12186-2022 (O&M)

Tajeshwar Singh @ Manu

...Petitioner

Versus

State of Punjab and another

...Respondents

Date of decision: 20.04.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Nitin Sachdeva, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Sagar Sharma, Advocate
for respondent No. 2/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR and involve the same parties.

Prayer in these petitions, which have been filed under Sections
439 and 482 of the Code of Criminal Procedure, is for grant of regular bail
to petitioner in case FIR No. 14 dated 27.05.2015, registered under Sections

304 and 323 of the IPC at Police Station Qadian, District Batala as well as for setting aside the order dated 20.09.2016, vide which the petitioner has been declared a proclaimed offender in the proceedings under the aforesaid FIR.

Learned senior counsel for the petitioner has submitted that the impugned order dated 20.09.2016, declaring the petitioner as a proclaimed offender, was in fact passed without following the proper procedure prescribed under Sections 82/83 Cr.P.C. as the petitioner, at the relevant time, was a student of Sant Baba Bhag Singh University, Hoshiarpur and was a hostler. The petitioner was not aware about the proceedings, therefore, he could not appear before the trial Court.

Learned senior counsel further submitted that as on today, the petitioner is in judicial custody for the last about 03 months and *challan* stands presented.

It is further submitted that from a bare perusal of the FIR, no offence under Section 304 IPC is made out and at the most, Section 304-A IPC can be invoked. It is further submitted that now the matter stands compromised between the parties and the complainant has sworn in an affidavit that he has named the petitioner on the asking of the police and the victim has died due to injury suffered by him in the sudden accident of the motorcycle, which was driven by respondent No.2/complainant and he was sitting on the same as a pillion rider.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

Learned counsel for respondent No. 2/complainant has also acknowledged the factum of compromise between the parties.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the matter stands compromised between the parties and the petitioner is in judicial custody for the last about 03 months and also in view of the fact that the petitioner was studying at aforesaid University when he was declared a proclaimed offender, the instant petitions are allowed. Petitioner Tajeshwar Singh @ Manu is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

Accordingly, the order dated 20.09.2016, vide which the petitioner has been declared a proclaimed offender in the proceedings under the present FIR, is also hereby set aside.

A photocopy of this order be placed on the file of other connected case.

20.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No