

In virtual Court

CRM-M-19688-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-44771-2021 in/and
CRM-M-19688-2017 (O&M)
Date of decision: 03.02.2022

Harjinder Singh @ Surinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sukhdev Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in CRM-44771-2021 is for restoration of the main case,
which was dismissed for non-prosecution vide order dated 05.12.2018.

Learned counsel for the petitioner submits that the petitioner was
staying abroad and in the meantime, he was declared a proclaimed offender
vide order dated 06.02.2010, which is challenged in the present petition.

Learned counsel has referred to an order dated 02.08.2021 passed by the Illaqa Magistrate/Judicial Magistrate 1st Class, Khanna, vide which cancellation report submitted by the police against the petitioner was accepted, with the observation that PO order passed against the petitioner is an independent proceeding.

Learned counsel further submits that once the cancellation report in the main case has been accepted by the trial Court, no purpose will be served in keeping the order dated 06.02.2010, declaring the petitioner as proclaimed offender, alive against him.

Notice of the application to counsel opposite.

Learned State counsel has no objection to the same. It is not disputed that cancellation report already stands accepted by the trial Court vide order dated 02.08.2021.

After hearing learned counsel for the parties, I deem it appropriate to restore the main case.

Accordingly, the main petition, which was dismissed for non-prosecution vide order dated 05.12.2018, is restored to its original number.

Since cancellation report in the main case already stands accepted by the Illaqa Magistrate vide order dated 02.08.2021, I find that no purpose will be served in keeping the impugned order alive, however, considering the fact that the petitioner has substantially delayed the proceedings, it is directed that he will deposit the costs of Rs.10,000/- with the District Legal Services Authority concerned.

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In view of the above, this petition is allowed and impugned order dated 06.02.2010, declaring the petitioner as proclaimed offender, is hereby set aside.

03.02.2022

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No