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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.15528 of 2022 (O&M)

Date of decision: 30.11.2022

Harbinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. P.S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the impugned order dated 17.04.2010 (Wrongly mentioned as 04.07.2010) (Annexure P-2), vide which the petitioner was declared a Proclaimed Offender in FIR No.13 dated 14.01.2008, registered under Sections 307, 326, 324, 148, 149 IPC at Police Station Sadar Phagwara, District Kapurthala.

While issuing notice of motion on 19.04.2022, the following order was passed by this Court:-

“Learned counsel for the petitioner submits that the petitioner, after registration of the FIR, was granted the concession of regular bail, however, in order to find a good job, he traveled to Italy and in the intervening period, he was staying in Italy when the impugned order was passed and the petitioner was declared a proclaimed offender.

Learned counsel further submits that meanwhile, the co-accused of the petitioner, who faced full length trial, were acquitted by the trial Court, vide judgment dated 01.10.2010.

It is further submitted that the petitioner is ready to surrender before the trial Court and face the trial. Learned counsel further submits that the chances of conviction of

the petitioner are bleak as the prosecution cannot produce any better evidence.

Learned counsel further submits that the petitioner is ready to deposit a sum of Rs. 1 Lakh with the Punjab and Haryana High Court Lawyers' Association Welfare Fund for causing delay in disposal of trial.

Notice of motion for 25.05.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of 10 days from today and on doing so, the trial Court shall release the petitioner on regular bail, subject to his furnishing fresh bail/surety bonds to its satisfaction and on production of the receipt regarding deposit of costs of Rs. 1 Lakh with the Punjab and Haryana High Court Lawyers' Association Welfare Fund.”

Counsel for the petitioner has argued that in pursuance thereof, the petitioner has already deposited the costs of Rs.1.00 lacs and has appeared before the trial Court and he has been released on bail and is now facing the trial.

This fact is not disputed by counsel for the State, on instructions from ASI Satnam. He further argued that the prosecution has concluded its evidence and the petitioner is facing the trial and all the PWs have already been examined.

In view of the above, the present petition is allowed and the impugned order dated 17.04.2010 (wrongly mentioned as 04.07.2010), declaring the petitioner as Proclaimed Offender, is set-aside.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

30.11.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No