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

CRM-M-23761-2017

Date of decision : 29.10.2022

Gurmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harparteek S. Sandhu, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 13.10.2016 (Annexure P-6) declaring the petitioner as proclaimed offender passed by the Court of PCS, JMIC, Malerkotla in complaint (Kalendra) No.205 dated 21.12.2015.

On 18.07.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has challenged the order dated 13.10.2016 (Annexure P-6) declaring him as proclaimed offender on the ground that the summons were served at an address in India while the petitioner is residing in Canada for the last 7 years.

Issue notice to the respondent-State.

At the asking of the Court, Mr. H.S. Grewal, Addl.A.G., Punjab accepts notice on behalf of the State and prays for time to seek instructions.

List on 14.09.2017.

July 18, 2017

Sd/- (ANUPINDER SINGH GREWAL)

JUDGE”

Thereafter, on 21.11.2018, another Coordinate Bench of this Court had passed the following order:-

“List on 28.03.2019.

However, petitioner is directed to surrender before the learned trial court within one month and on doing so, she shall be released on bail by that court to its satisfaction.

In the meantime, operation of the impugned orders dated 13.10.2016 (Annexure P-6) in CRM-M Nos.23613, 23761-2017 and 01.12.2016 (Annexure P-4) in CRM-M-23659-2017, shall remain stayed.

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

Sd/-(RAJ SHEKHAR ATTRI)

JUDGE

November 21, 2018 ”

Learned counsel for the petitioner, in pursuance of the abovesaid order, has submitted that the petitioner has already appeared before the Court of Judicial Magistrate Ist Class, Malerkotla and has passed on a photocopy of order dated 20.12.2018 during the course of arguments which is taken on record and marked as Mark 'A', and as per the same, the petitioner had appeared and had been released on bail. The order dated 20.12.2018 is reproduced hereunder:-

“Present:- Sh. Savinder Saini, APP for State.

Accused Gurmail Singh and Beant Kaur in person with counsel Sh. Ajay Sharma, Adv.

File taken up today from the record room on moving application by the accused-applicant named above for releasing them on bail and for accepting their bail bonds. Along with application, they have placed on record certified copy order dated 21.12.2018 passed in CRM-M Nos.23613,

23659 and 23761 of 2017 (O&M) by Hon'ble High Court. In the light of above orders accused-applicant Gurmail Singh and Beant Kaur are ordered to be released on bail subject to furnishing of bail bonds in the sum of Rs.50,000/- each with one surety of like amount each. Requisite bonds furnished which are accepted and attested. Let, file be put upen 08.01.2019 for further proceedings.

Dec 20, 2018

Sd/- (Bikramdeep Singh), PCS

JMIC/Malerkotla,

UID No.PB0396

Next Date:08.01.2019”

Learned counsel for the petitioner has submitted that it has been recorded in abovesaid order dated 18.07.2017 passed by the Coordinate Bench of this Court that the petitioner was never served as the petitioner was residing in Canada for the last seven years.

Learned counsel for the State, on instructions from ASI Jaswinder Kumar, has submitted that the trial is now at the fag end and the petitioner is regularly appearing before the Court.

Keeping in view the abovesaid facts and circumstances, more so the fact that in pursuance of order dated 21.11.2018, the petitioner has appeared and is regularly appearing before the trial Court, the present petition is allowed and the order dated 13.10.2016 (Annexure P-6) passed by JMIC, Malerkotla, is quashed.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No