

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21296-2021 (O & M)

Date of decision: 08.09.2022

Riasat Ali

..... Petitioner

V/s

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

On 20.07.2021, the following order was passed in this case:-

“Prayer in this petition is for quashing of FIR No.123 dated 09.06.2018 registered under Sections 379-B(2) IPC at Police Station City Kapurthala, District Kapurthala and subsequent proceedings arising therefrom including the order dated 13.03.2019 (Annexure P-7) passed by the Chief Judicial Magistrate, Kapurthala, vide which the petitioner has been declared as Proclaimed Offender.

Counsel for the petitioner has submitted that at this stage, he do not press the first prayer for quashing of the FIR, however, has submitted that order dated 13.03.2019 passed by the Chief Judicial Magistrate, Kapurthala, vide which the petitioner has been declared as proclaimed offender is illegal as the same has been passed without following the proper procedure under Section 82/83 Cr.P.C. It is further submitted that now non-bailable warrants have been issued against the petitioner, however, the petitioner is ready to surrender before the trial Court and face the proceedings in accordance with law as in the intervening period, the petitioner had gone to Dubai, UAE to earn his livelihood in July, 2018 and now, he wants to come back to India. It is also submitted that the

petitioner is ready to deposit the costs of Rs.35,000/- with the Punjab & Haryana High Court Bar Association Advocates Welfare Fund, for delaying the proceedings.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

List again on 07.09.2021.

In the meantime, the petitioner is directed to surrender before the trial Court and he will be released on interim bail subject to furnishing bail/surety bonds.

This will be subject to the condition that the petitioner, at the time of furnishing bail/surety bonds, will produce the receipt of Rs.35,000/- regarding the costs to be deposited with the Punjab & Haryana High Court Bar Association Advocates Welfare Fund”.

In pursuant to the aforesaid order, the petitioner has surrendered before the Trial Court and furnished his bail bonds on 11.02.2022 and has also appeared before the Trial Court on 07.09.2022.

This fact has not been disputed by the learned State counsel.

In view of the above, no further orders are required to be passed by this Court. However, the petitioner shall continue to appear before the Trial Court. Disposed of.

September 08, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No