

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

**CRM-M-21219-2022
Date of decision: 17.05.2022**

Sukhjiwan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhinav Gupta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to the investigating agency to present a final report under Section 173 Cr.P.C. in FIR No. 168 dated 18.08.2005, registered under Sections 302, 148, 149 and 120-B of the IPC at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner has drawn reference to order dated 18.11.2019 passed in CRM-M-47207-2019, filed by the petitioner, wherein the following order has been passed by this Court:

“Prayer in this petition is for quashing of FIR No.168 dated 18.08.2005 registered under Sections 302, 148, 149 and 120-B IPC at Police Station Phillaur, District Jalandhar and all other consequential proceedings arising therefrom and for setting-aside the order dated 15.02.2006 (Annexure P2) vide which the petitioner has been declared as proclaimed offender on account of the fact that all the accused including the main accused stands acquitted vide order dated 24.05.2012 passed by this Court in CRA-S No.687-SB of 2008.

Counsel for the petitioner has submitted that the petitioner is residing abroad since 1996 and admittedly, was not present in India when the incident has taken place. It is further submitted that the petitioner is involved in the present

case on the statement of Salinder Singh, who appeared as PW17 in the trial faced by two of the coaccused namely Jasbir Singh @ Jassa and Gurpreet Singh @ Gopi.

Counsel for the petitioner has further argued that the coaccused – Jasbir Singh @ Jassa and Gurpreet Singh @ Gopi stands acquitted by this Court vide judgment dated 24.05.2012 passed in CRA-D No.687-DB of 2008. Counsel for the petitioner has, however, admitted that a Special Leave Petition (SLP) challenging the aforesaid judgment filed by son of the deceased i.e. Salinder Singh is pending in the Hon'ble Supreme Court of India. It is further submitted that when the proclamation proceedings were initiated against the present petitioner, it has come in the report that he was not present in India and the allegations against the petitioner is that of conspiracy with the other accused as co-accused Gurpreet Singh has made an extra judicial confession before PW15 – Sunil Kumar @ Pinky that the petitioner was having relation with Inderjit Kaur, wife of Salinder Singh and daughter-in-law of deceased Mohan Singh and the petitioner had made a phone call to Jasbir Singh to commit murder of Mohan Singh. It is further argued that once this version has been disbelieved by the Hon'ble Division Bench of this Court, in view of the fact that an SLP is pending before the Hon'ble Supreme Court, he will not press the quashing of the FIR to await the decision of the Hon'ble Supreme Court. It is also submitted that the petitioner is ready to surrender before the trial Court and face the trial/proceedings as he was declared as proclaimed offender vide order dated 15.02.2006.

Notice of motion for 11.02.2020.

In the meantime, the arrest of the petitioner upon his arrival in India shall remain stayed, to enable him to surrender before the trial Court within 15 days thereafter.

Upon his appearance, the trial Court/Illaq Magistrate will release the petitioner on interim bail subject to his furnishing bail/surety bonds and on deposit of costs of Rs.2 lacs, in view of the fact that petitioner was aware of the proceedings pending before the trial Court and has

approached this Court after a gap of 13 years. The costs of Rs.2 lacs will be deposited in the Government Treasury under a head to be nominated by the trial Court within a period of one month from today.”

Learned counsel for the petitioner submits that the petitioner, who is an NRI, is presently in India and despite the fact that a period of about 03 years has lapsed, the police is not completing the investigation and submitting the *challan*.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that since there is no order for the petitioner to join investigation, the *challan* could not be presented and in case the petitioner joins investigation, the same will be presented within a period of two months thereafter.

In view of the above, the present petition is disposed of with a direction to petitioner to appear before the Investigating Officer within a period of 10 days from today and thereafter, the Investigating Officer will submit the final report under Section 173(2) Cr.P.C. within a period of two months thereafter.

17.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No