

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

CRM-M-22103-2022

Date of Decision: 23.05.2022

Jaspal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner has approached this Court under Section 482 Cr.P.C. for setting aside the order dated 20.12.2013(Annexure P-2) vide which he has been declared proclaimed offender.

The petitioner is an accused in case FIR No. 42 dated 18.07.2001 under Sections 408, 420, 465, 467, 468, 471, 474, 217, 218 and 120-B registered at Police Station Nihal Singh Wala District Moga. The petitioner was released on bail. The petitioner, thereafter, regularly appeared before the Trial Court. Due to some family circumstances, the petitioner had to go to Canada, during the pendency of trial. Because of his non-appearance, the proclamation proceedings were initiated against the petitioner and he was declared proclaimed offender vide order dated 20.12.2013.

Meanwhile, the other accused faced trial. They were convicted vide judgment and order dated 05.12.2015 passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala for offences under Section 408 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 1,000/-.

Learned counsel for the petitioner states that it was never the intention of the petitioner to evade the trial. The petitioner had to go abroad due to certain pressing family circumstances. He is ready and willing to appear before the Court and face the trial.

Notice of motion.

Mr. B.S. Sewak, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the trial Court on or before 01.07.2022. On his doing so, he shall be released on interim bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the trial Court to continue appearing before the trial Court as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, subject to the petitioner depositing a sum of Rs. 1,00,000/- (one lakh only) with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER) Chandigarh.

23.05.2022

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(HARINDER SINGH SIDHU)

JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*