

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

CRM-M-21375 of 2022

Date of Decision: 23.05.2022

Jagtar Singh

.....Petitioner

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Tejwinder Singh Hundal, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for quashing of FIR No.75 dated 04.06.2003 under Sections 447,427,506 IPC registered at P.S Dasuya, District Hoshiarpur along with all consequential proceedings arising therefrom including order dated 30.07.2007 (P.4) passed by learned SDJM, Dasuya, Hoshiarpur, whereby the petitioner has been declared as proclaimed offender.

The FIR was registered against the petitioner and co-accused on the allegations that they had damaged the sugarcane crop of the complainant by ploughing it. As the offences were bailable, the petitioner was released on bail. On completion of investigation, challan was filed. Thereafter, the petitioner regularly appeared before the trial Court. The petitioner had to go abroad under certain compelling circumstances to earn his livelihood. He went to Kuwait in the year 2006. Thereafter, proclamation proceedings were initiated against the petitioner and he was declared as proclaimed offender vide the impugned order. Meanwhile, the trial proceeded against the other accused. They were convicted vide judgment and order dated 07.01.2009 passed by the learned JMJC, Dasuya and released on probation subject to their furnishing probation bonds and

surety bonds in the sum of Rs.5000/- for a period of six months each. They were also directed to pay a sum of Rs.500/- each as litigation expenses.

Learned counsel for the petitioner submits that the petitioner had to go abroad under compelling circumstances. He came back from Kuwait in the year 2022. He states that it was never the intention of the petitioner to evade the trial and that he is ready and willing to face the trial. He undertakes that the petitioner shall appear before the learned trial Court on the date fixed or any date to be fixed by this Court.

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 learned trial Court on or before 31.05.2022. On his doing so, he shall be enlarged on 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 concerned Court to continue appearing 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.50,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

May 23, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No