

239 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36062-2015

Date of Decision: 22nd April, 2022

Akashbir Singh

Petitioner

Versus

Sarwan Singh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harmandeep Singh, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.

None for the respondent.

AVNEESH JHINGAN, J (Oral):

1. This petition was filed for quashing of order dated 6th November, 2009 whereby the petitioner was declared proclaimed person in complaint/Session case No. 32, dated 31st May, 2010 (CIS No. 1157/14) titled as Sarwan Singh Vs. Dilbagh Singh and others under Sections 307, 148 and 149 IPC read with Sections 25 and 27 of Arms Act, 1959.

2. On 29th March, 2022 following order was passed by this Court:-

“This petition is filed for quashing of order dated 6.11.2009 passed in complaint/Session case No. 32 dated 31.5.2010 (CIS No. 1157/14) declaring the petitioner proclaimed offender.

Learned counsel for the petitioner submits that the petitioner was not aware of the complaint. He was summoned vide order dated 20.12.2007 but he went abroad in May, 2008. In his absence, the proclamation was published. He further argues that it had wrongly been mentioned in order dated 12.8.2009 that the accused who were not present before the Court were residing at the same address, whereas at relevant

time the petitioner was in Canada. It is further argued that petitioner is now in India and will appear before the Trial Court.

Notice of motion in this petition was issued in 2015. Learned counsel for the respondent had put an appearance on 3.2.2016. From 21.9.2017, none has put an appearance on behalf of the respondent. Even today, in spite of two passovers, none appeared on behalf of respondent.

The contention raised in the petition is of non-compliance of Section 82 Cr.P.C. The entire machinery provision provided under Cr.P.C. is for ensuring presence of the accused, with the purpose of expeditious disposal of the trial. The impugned order is of November, 2009, in order to ensure that there is no further delay of trial, let the On his appearance, he would be granted interim bail subject to his furnishing surety bonds to the satisfaction of the Trial Court. The Trial Court would be at liberty to impose such further conditions as may be necessitated to ensure the presence of the petitioner in the trial.

Adjourned to 20.4.2022.”

3. Petitioner appeared before the court concerned and was released on furnishing surety bonds.

4. Learned counsel for the petitioner produced an order dated 5th April, 2022 by Judicial Magistrate 1st Class, Patti, same is taken on record.

5. In view of the order passed by this Court and order of Judicial Magistrate 1st Class, Patti, dated 5th April, 2022, the present petition is dispose of.

**[AVNEESH JHINGAN]
JUDGE**

22nd April, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No