

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-22556-2022(O&M)

Decided on : 14.12.2022

Manvir Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Gurpreet Kaur, Advocate for
Mr. Gagan Pradeep Singh Bal, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 10.10.2019 (Annexure P-7) vide which the petitioner had been declared as proclaimed person in FIR No. 90 dated 01.08.2018 registered under Section 420 IPC at Police Station Morinda.

On 23.05.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the petitioner is resident of Italy and had migrated to Italy in the year 2008 and is now a resident of Milan. It is submitted that an FIR was got registered by the complainant on 01.08.2018 with respect to a dispute which had taken place in the year 2012 and the said dispute was primarily a civil dispute. It is further submitted that the petitioner was not aware about the said proceedings and was never duly served and a reference has been made to the report dated 10.09.2019 in which it has

also been stated that the petitioner was not available at his home. It is stated that the report dated 10.09.2019 made by HC Prem Chand is contradictory to the statement given by said Prem Chand before the Court (Annexure P-4) on 01.10.2019 inasmuch as, the contents of the proclamation which were stated to have been read over in the statement (Annexure P-4) were never actually read over as per the report (Annexure P-3). It is also stated that the petitioner was not duly served and thus, could not have appeared before either the trial Court or before the Investigating Officer. It is submitted that in case, interim protection is granted to the petitioner, the petitioner would appear before the Investigating Officer as well as before the trial Court. It is also stated that for the inconvenience caused to the complainant, the petitioner is ready to pay an amount of Rs.30,000/- to the complainant Jarnail Kaur without admitting his liability.

Notice of motion for 18.07.2022.

The operation of order (Annexure P-7) is stayed, subject to the petitioner appearing before the trial Court/Duty Magistrate as well as before the Investigating Officer within a period of one month from today and on his appearance, the petitioner would be granted interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court. The same would also be subject to the petitioner depositing an amount of Rs.30,000/- with the trial Court within the aforesaid period and the trial Court is directed to release the said amount in favour of the complainant. The deposit of said amount would not be construed as an admission of guilt or liability, by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order and also the orders subsequently passed, the petitioner had appeared before the trial Court and had also furnished the requisite bonds/surety bonds and had also deposited the

amount of Rs.30,000/- in the Court and for the said purpose has referred to the order dated 20.06.2022, a copy of which is taken on record as Mark-A. It is further submitted that subsequent to the abovesaid order, the compromise has been effected between the parties and on an application moved under Section 320 (1) Cr.P.C. , the offence has been compounded and the petitioner has been acquitted of the charges framed against him.

Learned State counsel has not disputed the abovesaid facts.

Keeping in view the abvoesaid facts and circumstances, the present petition is allowed and the impugned order dated 10.10.2019 is set aside.

Pending miscellaneous applications, if any, stand disposed of with the abovesaid order.

(VIKAS BAHL)
JUDGE

14.12.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No