

**244 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-45232-2018

Date of Decision: 18th April, 2022

Sukhjinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rahul Bhargava, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of order dated 24th October, 2017 declaring petitioner as proclaimed person in case of FIR No.182, dated 11th December, 2009.

2. The petitioner was convicted by Judicial Magistrate 1st Class, Derabassi on 27th November, 2014 and declared proclaimed person on 24th October, 2017.

3. Learned counsel for the petitioner submits that petitioner was not supplied the copy of the judgment of conviction and hence petitioner could not file the appeal.

4. On 12th October, 2018, following order was passed:-

“Learned counsel for the petitioner submits that the sentence of the petitioner was suspended for a period of 30 days while convicting him. In the evening on the same day, he was informed by the Clerk of the Court that fine imposed has been enhanced by Rs.5,000/- and that he has been acquitted.

The petitioner paid additional Rs.5,000/- to the concerned Clerk and assumed that he had been acquitted. Now, he has been declared as proclaimed offender without service of notice.

Notice of motion for 13.12.2018.

The petitioner is directed to deposit a sum of Rs.10,000/- as costs with the District Legal Services Authority concerned and thereafter, to surrender before the trial Court on or before 17.10.2018 and seek regular bail. In case he does so and moves an application for regular bail alongwith receipt as regard the deposit of abovesaid amount, the trial Court shall decide the same expeditiously and in any case not later than seven days from the date of its filing.

It is made clear that in case any of the contentions of learned counsel for the petitioner recorded hereinabove is found to be incorrect, exemplary cost shall be imposed upon the petitioner.”

5. Learned counsel for the State on instructions from ASI Baldev Singh submits that petitioner was supplied the copy of the judgment. Thereafter, he filed an appeal along with application for condonation of delay. The delay was condoned, subject to payment of Rs.10,000/- as costs. He further submits that petitioner had appeared before the Appellate Court and appeal is now pending for 4th May, 2022.
6. In view of the subsequent developments, no further orders are called for.

7.
- Disposed of.
8.
- It is clarified that petitioner would be at liberty to avail remedies in accordance with law for surviving grievance if any.

[AVNEESH JHINGAN]
JUDGE

18th April, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No