

CRM No. 2599 of 2022 in/and
CRM No. M-31229 of 2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CRM No. 2599 of 2022 in/and
CRM No. M-31229 of 2020
Date of Decision : 10.02.2022

Harmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CRM-2599-2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM No. M-31229 of 2020, which stands adjourned to 02.08.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the

hearing of the main petition i.e. CRM No. M-31229 of 2020 is preponed from 02.08.2022 to today.

CRM No. M-31229 of 2020

The present petition has been filed for quashing the order dated 09.07.2014 (Annexure P-8) by which the petitioner has been declared proclaimed person in FIR No. 242 dated 11.11.2008, registered under Sections 420, 120-B IPC at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner argues that the allegations against the petitioner and other co-accused is of cheating the complainant to the tune of Rs. 12 lacs on the pretext of sending his son abroad. Learned counsel for the petitioner submits that after the investigation, the petitioner was found innocent and it was only on an application moved by the prosecution under Section 319 Cr.P.C., the petitioner was summoned along with another co-accused, namely, Jagjit Singh, to join the trial before the trial Court. Learned counsel submits that on the date when the petitioner was summoned to face the trial as an additional accused i.e. on 02.05.2013, he was not in the Country and was residing in England and has not returned to India since then and as the petitioner was not in Country, he has been declared as a proclaimed person without even serving the required notice upon him. Learned counsel further submits that the petitioner intends to join the proceedings and, therefore, keeping in view the facts and circumstances of this case, the petitioner be protected as and when he joins the same.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General,

Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that once, the petitioner was summoned by the competent Court of Law to face the trial as an additional accused, it was the duty of the petitioner to join the same even if, he is residing in England. Learned State counsel further submits that it is already more than 8 and half years, the petitioner is evading law and, therefore, the prayer of the petitioner for protecting him and for quashing order dated 09.07.2014 may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Conceded facts of the case are that the petitioner was declared innocent initially by the investigating agency and has only been summoned to face the trial after the application filed by the prosecution under Section 319 Cr.P.C. on 02.05.2013 coupled with the fact that the petitioner is not residing in the Country since then hence, now as he intends to join the proceedings, the prayer of the petitioner for quashing of the order dated 09.07.2014 is accepted.

Nothing has come on record to show as to how the petitioner was served in a manner envisaged under law so as to join the proceedings before the trial Court as the petitioner was admittedly residing abroad at the time of summoning him and has not returned to India since then. Keeping in view the said facts, it cannot be said that the petitioner was served in accordance with the provisions envisaged under law, before he was declared

a proclaimed person.

Present order is being passed as learned counsel for the petitioner has undertaken before this Court that within a period of one month from today, the petitioner will come back to India and will join the proceedings.

In case, petitioner does not join the proceedings within a period of one month from today, the prayer of the petitioner as raised in the present petition be treated as declined.

Petition stands allowed in above terms.

February 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No