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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-35210-2022 in/and
CRM-M-35383-2022 (O&M)
Date of Decision: September 20, 2022

Manjinder Singh Bajwa and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.S.S.Salar, Advocate
for the petitioners.

.....

RAJESH BHARDWAJ, J.(ORAL)

CRM-35210-2022

For the reasons mentioned in the application, the same is allowed.

Case is preponed to today and the same is taken up on Board today itself.

CRM-28685-2022

Application for exemption is allowed as prayed for

CRM-M-35383-2022

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 23.07.2018, Annexure P-3, and order dated 01.08.2019, Annexure P-6, passed by learned SDJM, Jagraon, declaring petitioner Nos.1 to 4 as proclaimed offenders.

Counsel for the petitioners submits that petitioners and the respondents have already settled the dispute amicably. He has submitted that nature of the dispute was matrimonial discord between the families. He

has further submitted that petitioners are in Canada and they are keen to

return to India to join the proceedings/investigation. He submits that they were declared proclaimed persons in their absence and once the parties have already settled the dispute amicably, their prosecution in the FIR would be nothing but an abuse of the process of the Court. He submits that in case the petitioners return to India within a month, they be granted protection from their arrest to enable them to appear before the Court of competent jurisdiction/investigating Agency. Counsel for the petitioners submits that the petitioners would return India by 31.10.2022.

Notice of motion.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents-State.

After hearing counsel for the parties and perusing the record of this Case, the Court is of the opinion that submissions made are genuine. There is matrimonial discord, which has been settled by both the sides. Petitioners are keen to return to India and the only apprehension is of their arrest on their arrival in India.

Hence, in the facts and circumstances, this petition is disposed of with liberty to the petitioners that in case they return to India by 31.10.2022 and appear before the Investigating Agency/the Court of competent jurisdiction within ten days from their arrival to India with an appropriate application/petition for redressal of their grievances, then they would have the protection from their arrest from the date of their arrival upto ten days thereafter. The Court of competent jurisdiction would decide their application so filed in accordance with law.

Needless to say that if the petitioners do not comply with the

aforementioned direction, this order would be of no avail to them.

Disposed of in the above mentioned terms.

September 20, 2022
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?

2. Whether reportable ?

Yes/No

Yes/No