

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.41624 of 2021 (O&M)

Date of Decision:06.01.2022

(Heard through VC)

Arvinder Singh @ Harwinder Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. HPS Sidhu, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

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JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. for quashing order dated 21.03.2018 passed by the Additional Sessions Judge, Moga whereby the petitioner was declared as proclaimed offender during the pendency of criminal appeal bearing No.CRA-186 of 2016.

In brief the facts are that FIR No.136 dated 26.07.2012 was registered against the petitioner herein under Sections 279, 304-A, 427 IPC at Police Station City Moga wherein he was convicted under Sections 304-A and 279 IPC and sentenced to undergo rigorous imprisonment for a substantial period of 2 years vide judgement/order dated 27.07.2016 passed by the Additional Chief Judicial Magistrate, Moga. Against the aforesaid judgment, an appeal bearing CRA No.186 of 2016 had been preferred by the petitioner which was also dismissed vide order dated 21.03.2018 passed by the Additional Sessions Judge, Moga and since during the pendency of the said appeal, the petitioner failed to appear before the Appellate Court, he

was declared as proclaimed offender on the same date vide a separate order.

Learned counsel for the petitioner herein would contend that after dismissal of the appeal, the petitioner surrendered before the CJM Moga on 03.05.2018 and he was released on 01.06.2020 after completion of his sentence and therefore, prayed for setting aside the order dated 21.03.2018 passed by the Additional Sessions Judge, Moga declaring the petitioner herein as a proclaimed offender.

Learned counsel appearing on behalf of the respondent-State concedes to the factum of completion of sentence awarded to the petitioner and his release from jail on 01.06.2020.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the fact that the petitioner herein has already been released on 01.06.2020 after completing his period of sentence imposed upon him vide judgment/order dated 27.07.2016 passed by the Additional Chief Judicial Magistrate, Moga, which had been affirmed in appeal, order dated 21.03.2018 passed by the Additional Sessions Judge, Moga declaring the petitioner as proclaimed offender is hereby set aside. Consequently, the instant petition stands allowed.

January 06, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No