

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41541-2020 (O&M)

Date of Decision:22.12.2022

BALIHAR SINGH @ BALEHAR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Bhupender Singh, Advocate for
Mr. Sanjeev Pandit, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab assisted by
ASI Jasbeer Singh.

JAGMOHAN BANSAL, J. (Oral)

CRM-49713-2022

Application for placing on record reply/affidavit to the
reply/affidavit filed by the respondents, is allowed, in view of the
averments made in the application, duly supported by affidavit. Said
document is taken on record. Office to append the same at appropriate
place.

CRM stands disposed of.

CRM-M-41541-2020

On 02.12.2022 following order was passed:

*“The petitioner through instant petition
under Section 482 Cr.P.C. is seeking quashing of
FIR No.56 dated 01.10.2010 registered at Police
Station Mehtiana, District Hoshiarpur, under
Sections 420, 465,467, 468, 471,120B of IPC and
PO order passed by learned trial Court.*

From the perusal of petition and reply dated 20.07.2022 filed by learned State counsel, it comes out that petitioner was never declared proclaimed offender by trial Court in terms of Section 82/83 Cr.P.C. An FIR was registered and thereafter police filed its report under Section 173 Cr.P.C. Challan against petitioner could not be filed because he was absconding. The challan was presented against two other accused who have been acquitted by learned trial Court. Learned trial Court while framing charges against co-accused as well passing of order of acquittal has noted that the petitioner is a proclaimed offender, even though, there is no formal order declaring the petitioner as proclaimed offender.

Learned State counsel would submit that the petitioner, as per information of the jurisdictional police authorities, is out of India. He has not joined the investigation. Thus, challan could not be presented against him.”

Learned counsel for the petitioner at the outset submits that at the time of filing of police report against co-accused, the petitioner was in India and challan was not presented against him because he was found innocent. He further submits that petitioner is ready and willing to join the investigation and face trial, if he is found accused by the Investigating Officer.

Faced with this situation, learned State counsel on instructions from ASI Jasbeer Singh submits that State has no objection, if present petition is disposed with a direction to petitioner to appear before Investigating Officer.

In view of pleadings and statements of both sides, this Court

finds it appropriate to dispose of present petition with a direction to petitioner to appear before Investigating Officer on 26.12.2022 who will proceed in accordance with law.

Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

22.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>