

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

SR. No.232

CRM-M-46488-2021

Date of Decision:07.03.2022

Charanjit Singh Bains @ Ambi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. S.P.S. Aulkah, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

By way of filing the present petition under Section 482 Cr.P.C., the petitioner prays for quashing of the order dated 12.05.2012 (P-1) whereby the petitioner was declared proclaimed offender by the learned Judicial Magistrate 1st Class, Jalandhar.

It is contended by the learned counsel for the petitioner that FIR in question was registered on 12.06.2010, whereas, the petitioner being citizen of USA had already left for United States of America on 06.06.2009. Resultantly, the registration of the FIR had taken place without any knowledge of the petitioner. He further contended that the report in this regard was also made by process server that the petitioner is not residing at the given address and is residing abroad. He also submits that the learned trial court has wrongly declared the petitioner proclaimed offender, whereas the petitioner could be declared proclaimed person.

On the other hand, learned counsel for the State submits that

there are specific allegations against the petitioner and other co-accused. He next contended that the petitioner was having knowledge of pendency of the FIR and he has intentionally not appeared before the court below.

After hearing the learned counsel for the parties and perusing the case file, this Court is of the view that the present petition deserves to be accepted on the grounds that trial court has erroneously declared the petitioner proclaimed offender as no proper procedure was followed and the petitioner was never served with the process of court.

In view of the above, the present petition is accepted. The impugned order dated 12.05.2012 is set aside. The petitioner is directed to appear before the learned trial court on or before 25.03.2022 and on his appearance, the trial court will release the petitioner on interim bail subject to furnishing his bail/surety bonds subject to further condition that he will deposit Rs.1,00,000/- as costs for delaying the proceedings, in the Government Treasury under a head to be nominated by the trial court. However, it is made clear that deposit of costs shall be a precondition before accepting the bail/surety bonds of the petitioner.

Petition stands allowed, in above terms.

07.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO