

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

SR. No.117

CRM-M-47380-2021

Date of Decision:08.03.2022

Gurmeet Singh @ Gurmeet Singh Sond

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. Kirat S. Sidhu, DAG, Punjab.

None for respondent No.2.

[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 08.03.2007 (P-4), whereby the petitioner was declared proclaimed offender by the learned Chief Judicial Magistrate, Moga.

Brief facts of the case are that the petitioner was residing in America. The marriage of petitioner was solemnized with Ravneet Kaur, daughter of respondent No.2/complainant, on 09.07.1994 . Thereafter, they went to America. However, after some time of their marriage, relations between the complainant's daughter and petitioner got strained and ultimately the marriage was dissolved on 30.06.2003. Thereafter, daughter of the complainant returned India.

Learned counsel for the petitioner submitted that on

account of dissolution of marriage of the petitioners, respondent No.2, father of Ravneet Kaur, lodged FIR No.211 dated 19.06.2006 under Sections 420/468/471 IPC at Police Station City Moga, District Moga on the allegation that the petitioner was holding a valid Indian Passport, even then, he had got issued another passport by concealing the facts. He further submitted that the petitioner has no knowledge about registration of the present FIR. He next contended that although the report was made by process serving agency that the petitioner was not residing at the given address and is residing abroad, however, the learned trial court has wrongly declared the petitioner as a proclaimed offender. He also submits that cancellation report in the matter in hand has been filed before the court below.

Learned counsel for the State has submitted that though the cancellation report in the matter has already been filed before the learned court below but the same was returned yesterday only as the complainant being not satisfied with the investigation wanted to re-investigate the matter.

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 for the following more than one reason.

Status report, filed in Court today, is taken on record.

On perusal of the case file, it would be evidently clear that the learned trial court has erroneously declared the petitioner as a proclaimed offender as admittedly no proper procedure for service upon the petitioner was followed as per the law. The petitioner was never served with the

process of court. Further, it is clearly mentioned in the status report that after registration of the case, grandfather of the petitioner moved an application before the Senior Superintendent of Police, Moga. On the basis of said application, an enquiry has been conducted by DSP (D), Moga and the allegations against the petitioner have been found to be false and accordingly, cancellation report was filed before the learned trial court.

Taking into consideration of totality of the facts and circumstances of the case that the petitioner was residing abroad and the cancellation report has already been prepared, though not accepted, the impugned order dated 08.03.2007, declaring the petitioner as proclaimed offender, is hereby quashed. 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 bail subject to furnishing his bail/surety bonds.

Petition stands allowed.

08.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO