

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

CRM-M-51268-2019

Date of decision : 07.12.2022

AMARJIT SINGH @ BITU

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. A.S. Bhatti, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

On 3rd of December, 2019, the following order was passed :-

“This is 2nd petition for quashing of FIR No.95 dated 16.08.1999 under Section 379 IPC, registered at Police Station Dasuya, District Hoshiarpur and the order dated 08.04.2003, vide which the petitioner was declared a proclaimed offender as well as all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that on 17.09.2018, in an earlier petition filed by the petitioner i.e. CRM-M-31244-2018, while issuing notice of motion, following order was passed: -

“Counsel for the petitioner has submitted that the petitioner was on bail, however, on 23.10.2001, he absented from the Court proceedings and traveled abroad without obtaining the permission of the Court and thereafter, he was declared as proclaimed offender vide impugned order dated 08.04.2003 (Annexure P2).

Counsel for the petitioner has further submitted that the petitioner is ready to come back to India to face

the trial and appear before the trial Court, in view of the fact that in the meantime, 02 of the co-accused namely Harjit Singh and Kewal Singh, who had faced the full length trial were acquitted by the Judicial Magistrate Ist Class, Dasuya vide judgment dated 10.11.2009 (Annexure P2) whereas the other co-accused namely Harbhajan Singh had died during the said proceedings.

*Counsel for the petitioner has relied upon the judgment “**Sudo Mandal @ Diwarak Mandal vs State of Punjab**”, 2011(2) RCR (Criminal) 452 passed by the Division Bench of this Court, to submit that it will be a mere formality to send the petitioner for trial as the evidence, which has already come on record against the other co-accused had lead to their acquittal and therefore, the chances of conviction of the petitioner are very weak and it may lead to acquittal of the petitioner.*

Notice of motion for 30.11.2018.

Though, no plausible explanation is given in the present petition for such a long absence of the petitioner from the process of the Court, however, considering the fact that the petitioner is ready to appear before the trial Court and face the proceedings, in accordance with law, it is directed that in case the petitioner surrenders before the trial Court on or before 30.10.2018, he may be released on interim bail subject to furnishing bail/surety bonds and on payment of costs of Rs.50,000/- to be deposited in the Government Treasury under the head to be nominated by the trial Court on account of delaying the process of Court.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.”

Learned counsel for the petitioner further submits that later on, the said petition was dismissed as withdrawn on 14.02.2019, as the petitioner, due to his job, could not return back to India to face the trial. It is further submitted that now the

petitioner is ready to surrender before the trial Court within a period of 07 days from today.

Notice of motion for 24.03.2020.

In the meantime, petitioner is directed to surrender before the trial Court within a period of one week from today and the trial Court will release him on interim bail subject to his furnishing bail/surety bonds and on payment of costs of Rs.1.00 lacs to be deposited in the Govt. Treasury under a head to be nominated by the trial Court, on account of delaying the process of the Court.”

Today, counsel representing the petitioner submits that he has no instructions w.r.t status of trial however, as per the report received from the concerned Court no one furnished surety bonds and deposited surety of Rs.1,00,000/- in compliance of order dated 3rd of December, 2019.

In view of the conduct of the petitioner, the present petition is dismissed.

December 07, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No