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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-885-2020 (O&M)

Date of decision: July 21, 2023

Balwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Ajiteshwar Singh, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking *inter alia* quashing of FIR No.21 dated 10.03.2012 (Annexure P-2), registered under Sections 420, 468, 465, 471, 120-B of IPC, at Police Station Navi Baradari, District Commissionerate Jalandhar, as also challan dated 04.03.2013 (Annexure P-6). Further quashing of order dated 04.01.2013 (Annexure P-5) has also been sought whereby petitioner has been declared as proclaimed offender.

2. At the outset, learned counsel for petitioner submits that he is under instructions not to press the petition *qua* quashing of FIR in question. He further submits that vide order dated 10.01.2020 passed by a co-ordinate Bench of this Court, petitioner was directed to surrender before SHO/ Investigating Officer and in the event of his arrest, he was directed to be released on interim bail. Pursuant thereto, petitioner surrendered before the investigating officer and admitted to interim bail on 17.01.2020, and has been appearing regularly.

3. The intent and purpose of initiating proclamation proceedings is to ensure presence of accused before the Court. Pursuant to order dated 10.01.2020 passed by a co-ordinate Bench of this Court, petitioner is stated to have caused appearance before learned Court below and is appearing regularly before learned trial Court.

4. In view thereof, no purpose would be served to continue proceedings under Sections 82/83 Cr. P.C.
5. In the premise, impugned order dated 04.01.2013 (Annexure P-5) declaring petitioner as a proclaimed offender is set aside, while prayer *qua* quashing of FIR stands dismissed as not pressed.
6. Petition stands partly allowed accordingly. All pleas *qua* quashing of FIR are left open to be adjudicated by the Court below at the time of final arguments.
7. Needless to say that setting aside of the impugned order dated 04.01.2013 (Annexure P-5), vide which petitioner was declared proclaimed offender. would entitle petitioner to appear before learned trial Court in further proceedings as and when required, in accordance with law. Non-appearance before the trial Court would naturally be subject to consequences that arise therefrom, including initiation of fresh proceedings.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 21, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No