

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

**CRM-M-3587-2023**

Date of Decision: January 23, 2023

Sarabjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

**Present:** Mr. Hitesh Chopra, Advocate for the petitioner.

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**HARKESH MANUJA, J (ORAL)**

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of the order dated 11.11.2002 passed by the Court of Chief Judicial Magistrate, Gurdaspur; whereby the petitioner was declared as proclaimed offender.

The facts of the case are that the petitioner along with one Arjan Singh was implicated in FIR No.0044 dated 18.04.2000, under Sections 420, 120-B IPC, registered at Police Station City Gurdaspur, at the instance of one Charan Dass. In the aforesaid FIR, the petitioner was granted concession of regular bail. Upon investigation, the challan was presented against the petitioner as well as co-accused Arjan Singh by the investigating agency on 05.07.2000. Thereafter petitioner went abroad in order to seek employment etc.

On account of non-appearance of the petitioner before the trial Court, he was ordered to be declared as proclaimed offender on 11.11.2002 by the court of Chief Judicial Magistrate, Gurdaspur. Later vide

judgment dated 02.12.2005, co-accused, namely, Arjan Singh was acquitted of the charges.

It is the case of the petitioner that for all these 22 years, the petitioner never visited India and now at the age of around 50 years, he intends to come back to his mother-land so as to meet his relatives and other friends etc. including his old aged mother.

Learned counsel for the petitioner submits that a perusal of the order dated 11.11.2002 itself shows that at that point of time, the petitioner was out of country and this fact was known to the investigating agency and despite that no efforts was ever made to serve the petitioner through other mode like Embassy. He also submits that keeping in view the fact that co-accused, namely, Arjan Singh stands acquitted way-back on 02.12.2005 and the evidence against him also remains the same, no useful purpose would be served by trying the petitioner, based on the same very evidence.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and stated that the petitioner has escaped the process of law for a period of almost 20 years and thus, does not deserve any concession from the Court.

I have heard learned counsel for the parties and gone through the paper-book. I find that though the petitioner despite having initially submitted to the jurisdiction of the Court, having granted the concession of bail, left the country without seeking any permission, however, without justifying or finding the escape of the petitioner from the process of Court to be lawful, in the facts and circumstances of the present case, wherein

with the same evidence, the other co-accused stands acquitted of the similar charges, no useful purpose is going to be served by denying the petitioner to face the process of law.

Taking into consideration the fact that co-accused of the petitioner has already been acquitted, this petition is disposed of with a direction that petitioner will put in appearance before the Illaqa Magistrate within a period of four weeks from today. The petitioner will not be arrested in India on his arrival on the basis of the order dated 11.11.2002 declaring him a proclaimed offender. Thereafter, petitioner shall file his regular bail application along with bail bonds and surety bonds which shall be accepted by the trial Court to its satisfaction. In case the prosecution agency opts to present supplementary challan against the petitioner, the trial Court shall make an earnest endeavour to conclude the trial within a period of three months after the appearance of the petitioner before it.

The above relief has been granted to the petitioner solely on the ground that counsel for the petitioner has assured that the petitioner is ready to return to India and join the stream of law by appearing before the Court. If the petitioner does not appear within the above said period, this petition will be deemed to have been dismissed.

Considering the delay in approaching this Court at the hands of petitioners, the aforesaid order shall be subject to payment of Rs.50000/- (Rupees Fifty thousand only) to be deposited with the Punjab and Haryana High Court Association Lawyer's Welfare Fund having Account

No.41564846387 with State Bank of India, High Court Branch, Chandigarh,  
while moving application for regular bail before the trial Court.

January 23, 2023  
sanjay

[HARKESH MANUJA]  
JUDGE

Whether speaking/reasoned  
Whether reportable?

yes/no  
yes/no