

CRM-M-3675-2021(O&M)  
Date of decision: 22.02.2023

BALJEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 09.11.2017 (Annexure P-5) vide which he has been declared as proclaimed person by the Court of learned Sub-Divisional Judicial Magistrate, Samana in the case bearing FIR No.112 dated 16.06.2017, under Sections 382/34 IPC (offences under Sections 394 and 201 IPC were added later on), registered at Police Station City Samana, District Patiala.

Learned counsel for the petitioner contends that as per the allegations in the FIR, on 03.01.2017, some unknown persons inflicted stick blows and snatched the bag containing Rs.54,000/-, one samsung tablet and important documents of the company from the complainant. The FIR has been registered after a delay of about 5 ½ months on 16.06.2017. The petitioner has been nominated as an accused in the instant case. The petitioner has been declared as proclaimed person in terms of order dated 09.11.2017 (Annexure P-5). In fact, the petitioner had left India on 03.05.2017 and returned back only on 08.11.2020 which is borne out from the entry in the passport, copy whereof is Annexure P-2. The petitioner was abroad at the time when FIR was registered and he was declared as proclaimed person. It has been further submitted that the

challan against the co-accused, Sharanjit Singh and Gurpreet Singh has been presented in the trial Court. The charge has been framed but no witness has been examined till date. The next date of hearing in the trial Court is stated to be 19.04.2023. He further submits that the petitioner will surrender in the trial Court on or before 19.04.2023 and shall move an application for regular bail and meanwhile, he should be protected.

Learned State counsel submits that though the petitioner was residing in India at the time of occurrence but has no objection in the event, the petition is disposed of in view of the limited prayer made by the learned counsel for the petitioner.

In these set of circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the trial Court on or before 19.04.2023 and shall move an application for regular bail which shall be disposed of by the Court concerned in accordance with law. In the event, the petitioner surrenders in the trial Court as directed, the impugned order will not be given effect. It is further directed that till the disposal of the bail application, the arrest of the petitioner shall not be effected and also for a period of two weeks thereafter, in the event, the bail application of the petitioner is dismissed.

22.02.2023

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**(VIVEK PURI)**  
**JUDGE**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |