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

CRM-M-6372-2023

Date of Decision: February 07, 2023

Samual Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vinay Kumar, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for setting aside the order dated 27.11.2017, Annexure P-1, vide which the petitioner has been declared as P.O. in case FIR No.142, dated 31.12.2015, under Sections 379, 411, 414 IPC, registered at Police Station Division 1, District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner neither wilful nor intentionally absented himself, however, due to wrong noting of the date, he has been declared proclaimed offender. He has submitted that co-accused of the petitioner has already been acquitted by the trial Court vide order dated 09.05.2018. He submits that the petitioner is ready to join the proceedings and contest the case on merit.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Heard.

After hearing learned counsel for the parties, the present petition is disposed of and order dated 27.11.2017 is set aside subject to payment of Rs.30,000/- as costs, to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 27.11.2017 would come in force.

February 07, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |