

209/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5669-2020

Date of Decision: 11.05.2023

HARMESH LAL SEMPLAY

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amjad Khan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. K.S.Dhanora, Advocate for the complainant.

* * * *

VIVEK PURI, J. (ORAL)

1. On November 9, 2022 following order was passed by the Co-ordinate Bench:-

“Present petition has been filed by the petitioner seeking quashing of order dated 15.11.2012 (Annexure P-1) passed by the Court of learned SDJM, Phillaur whereby the petitioner was declared as proclaimed offender in criminal case having FIR No.50 dated 3.4.2011 registered under Sections 323, 324, 326, 506, 341, 120-B IPC at Police Station Phillaur, District Jalandhar.

Counsel for the petitioner *inter alia* contends that the impugned order is totally illegal being passed without following the procedure prescribed in Section 82 of Cr.P.C.; that actually the petitioner is a British citizen and even at the time of registration of FIR and passing of the impugned order, the petitioner was not available in India and no notice was ever served to him by the Court concerned through British Embassy.

Counsel for the petitioner has also furnished copy of FIR which is taken on record and further submits that only allegations against the present petitioner are that other co-accused attacked Purshotam Lal complainant only at the instance of the petitioner. He further contends that now the petitioner is ready to join the proceedings before the trial Court.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and prays for time to seek necessary instructions with regard to the aforesaid assertions made by the counsel for the petitioner. Needful be done within 8 weeks.

List on 23.1.2023.

In the meantime, operation of the impugned order is hereby stayed till the next date of hearing.”

2. Learned counsel for the petitioner contends that a separate petition bearing CRM-M-7983-2023 for anticipatory bail has been instituted by the petitioner. In pursuance of the order dated 15.02.2023 passed in the said case, the petitioner has surrendered before the trial Court and has been admitted on bail.

3. As the petitioner has surrendered in the trial Court and has been admitted on bail and facing trial, the petition is disposed of with the observation that the impugned order dated 15.11.2012, Annexure P-1 will not be given any further effect.

11.05.2023

Janki

(VIVEK PURI)
JUDGE

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