

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

CRM-M-9350-2023

Date of Decision: 23.02.2023

Pritpal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for setting aside of order dated 20.11.2018 passed by learned Judicial Magistrate Ist Class, Hoshiarpur in case FIR No.55 dated 05.06.2016, registered under Sections 323, 427, 452, 506, 34 IPC, at Police Station Chabbewal, District Hoshiarpur, whereby, the petitioner has been declared proclaimed absconder.

Learned counsel for the petitioner has submitted that the FIR was lodged on the false and frivolous allegations. He has submitted that after investigation, the FIR was recommended to be cancelled, however, the learned Magistrate directed re-investigation in the case and rejected the cancellation. He submits that now the parties have also compromised the matter amicably. He fairly submits that though the petitioner is presently abroad, however, he is ready to come back to India and join the proceedings. He submits that the petitioner would return to India positively by 25.03.2023 and he prays for grant of some protection to him.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has

rightly declared the petitioner as proclaimed absconder on 20.11.2018, who remained absent without any reason.

Keeping in view the facts and circumstances of the case and the fact that the petitioner is ready to join the proceedings by coming India by 25.03.2023 as has been undertaken by his counsel, the present petition is disposed of with a direction that in case the petitioner arrives in India by 25.03.2023 and appears before the court concerned within a period of 10 days of his arrival, then he would have protection from arrest for a period of 10 days from the date of his arrival subject to payment of costs of Rs.35,000/- to be paid with the Poor Patients' Welfare Fund, PGIMER, Chandigarh within a period of 7 days from the date of his landing in India.

In case, the petitioner appears before the trial Court within 10 days of his arrival as stated above and files an appropriate application for bail alongwith the receipt of payment of costs, then the Court concerned would decide the same expeditiously within a period of 3 days from the date of its filing.

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.

23.02.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No