

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

CRM-M-8630-2023

Date of decision: 17.02.2023

Pardeep Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

The challenge in the present petition filed under Section 482 Cr.PC is to the order dated 16.09.2021 passed by the Court of Ld. JMIC, Zira (Annexure P-3) in FIR No.139 dated 02.10.2017, under Section 379 IPC, 1860 and Section 21 of Mines and Mineral (Development & Regulation) Act, 1957 registered at Police Station Makhu, District Ferozepur (Annexure P-1) whereby petitioner was declared proclaimed absconder.

Counsel for the petitioner submits that the petitioner was not named in the FIR and his name is surfaced in the disclosure statement of the co-accused. He was granted anticipatory bail by the Court of Ld. Additional Sessions Judge, Ferozepur and thereafter he went abroad on 28.06.2018 as he was told by the officials of Police Station Makhu that he has nothing to do with the case. He further submits that thereafter police filed challan against him on 13.08.2018 and later on he was declared P.O. on 16.09.2021. Petitioner now after 4 years and 6 months, came back to India and came to know that he has been declared as P.O. He further submits that co-accused have been acquitted under Section 379 IPC and have been convicted under Section 21 of Mines and

Minerals Act, 1957 and sentenced to a fine of Rs.2,000/- each vide judgment dated 02.11.2022 passed by the learned JMIC, Zira (Annexure P-4). He further submits that petitioner shall appear before the trial Court on each and every date.

Notice of motion.

Mr. Jashanpreet Singh, DAG, Punjab, accepts notice on behalf of the respondent-State.

Considering the above sequence of events, the impugned order 16.09.2021 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before 24.02.2023 and subject to payment of Rs.20,000/- as costs to be deposited with the Punjab & Haryana High Court Lawyers Welfare Fund within a period of one month from the date of passing of this order. On his appearance, he shall be released on bail by the trial Court on his furnishing fresh bail bonds and surety bonds to the satisfaction of the trial Court. In the event of non-compliance of this order, the order dated 16.09.2021 would remain intact.

Disposed of.

17.02.2023

Parveen Kumar

**(NAMIT KUMAR)
JUDGE**

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