

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 8213 of 2020
Reserved on: 28.08.2023
Pronounced on: 18.09.2023

Hardeep SinghPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Agam Jund, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
11	31.12.2018	Vigilance Bureau, FS, Mohali, Punjab	409, 420, 467, 468, 471, 120-B IPC and Section 13 (1) (A) read with Section 13 (2) of Prevention of Corruption Act, 1988.

Seeking quashing of proclamation order dated 21.01.2020 (Annexure P-17), the petitioner had come up before this Court under Section 482 Cr.P.C by filing the present petition in February, 2020.

2. The petitioner’s stand is mentioned in paragraphs 8 and 9, he claims that after coming to know of the registration of FIR, he had filed an application for anticipatory bail before this Court. During the pendency of the bail application, the petitioner was declared proclaimed offender on 21.01.2020. He submits that once the petitioner’s bail was pending would show his intention not to abscond, it was not that his bail was dismissed. He further submits that petitioner also filed an application not to declare petitioner as proclaimed person but trial Court declared him proclaimed offender. Petitioner’s counsel further submits the petitioner is ready to join proceedings.

3. It remains undisputed that the petitioner was declared proclaimed offender when his bail was pending which was later on withdrawn by him.

4. Perusal of the order passed by the Co-ordinate Bench of this Court reflects that investigation is still pending and petitioner is enjoying stay on his arrest and also not co-operating with the investigator.

5. I have heard counsel for the parties and gone through the record.

6. Perusal of the record reflects that the petition for bail filed by petitioner under Section 438 Cr.P.C dismissed on 23.01.2019 by the Sessions Court, later on application for bail filed before this Court and same was withdrawn on 23.11.2021. After that, the co-ordinate Bench of this Court stayed the arrest of the petitioner vide order dated 08.07.2022 in the present petition, which is continuing till date.

7. Given the present scenario, no case for setting aside the order is made out at this stage. However, petitioner is at liberty to file fresh petition after joining the proceedings/investigation. Filing of the present petition and its disposal shall not come in his way.

8. The present petition is disposed of in the aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

18.09.2023

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: **No.**