

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

264-A

CRM-M-13710-2023

Date of Decision: 27.04.2023

Jagdeep Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Sapan Dhir, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 20.04.2018 (Annexure P-4) passed by Sub Divisional Judicial Magistrate, Balachaur, whereby the petitioner was declared as proclaimed offender, in case No. RP-784-2017 titled as 'State vs. Jagdeep Singh', arising out of FIR No. 0048 dated 10.09.2006 (Annexure P-2) registered under Sections 3(1)(x) of the SC and ST (Prevention of Atrocities) Act; Section 66 of the Information Technology Act and Section 34 IPC at Police Station Pojewal.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the aforesaid FIR by the complainant. The petitioner has wrongly and illegally been declared as proclaimed offender by the trial Court vide impugned order dated 20.04.2018 (Annexure P-4) as he is residing/working in USA for the last more than 10 years. He further contends that the matter has now been compromised between the parties. Thus, it is prayed that the petitioner may be permitted to surrender before the trial Court and may be released

on bail.

3. Notice of motion.

4. On the asking of the Court, Mr. G.S. Sandhu, DAG, Punjab accepts notice on behalf of the respondent No. 1-State, whereas Mr. Mohit Sharma, Advocate, who is present in Court accepts notice on behalf of respondent No. 2-complainant and filed his Vakalatnama which is taken on record.

5. Learned counsel of respondent No. 2-complainant fairly conceded the fact that the matter has been compromised between the parties and submits that he has no objection in case, the petitioner is permitted to surrender before the trial Court and released on bail.

6. In view of the above, the impugned order dated 20.04.2018 (Annexure P-4) declaring the petitioner as proclaimed offender is set aside and he is directed to surrender before the trial Court within 10 days from today and shall deposit an amount of Rs.25,000/- with the District Legal Services Authority, Shaheed Bhagat Singh Nagar as costs of proceedings. On his doing so, the petitioner shall be released on bail, subject to his furnishing the fresh bail/surety bonds to the satisfaction of the trial Court and in case of failure to do so, this petition shall be deemed to have been dismissed.

7. The instant petition stands disposed of, accordingly.

27.04. 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No