

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

2023:PHHC:040254

CRM-M-14220-2023

Date of Decision: 20.03.2023

Gurpreet Singh @ Gora

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing of order dated 30.09.2019 (Annexure P-3) in case FIR No.64, dated 17.04.2015, registered under Sections 341, 353, 186, 379, 427, 109, 114, 120-B, 188, 307, 395, 397 IPC and Section 21 of Mines and Minerals (Regulation & Development) Act, 1957, at Police Station Meharban, District Ludhiana, whereby the petitioner has been declared as proclaimed person by the Court of learned Additional Sessions Judge, Ludhiana alongwith all consequential proceedings arising therefrom.

It has been submitted by learned counsel for the petitioner that the petitioner was not served and thus, he remained unaware of the proceedings qua him. It is submitted that the co-accused were tried and acquitted by the trial Court vide order dated 27.11.2019. He submits that in the facts and circumstances of the case, prosecution of the petitioner would be nothing but an abuse of the process of the Court. He submits that the learned trial Court has declared the petitioner as proclaimed person vide impugned order dated 30.09.2019 against the statutory provisions of Sections 82 and 83 Cr.P.C. and the law settled. He submits that the petitioner is ready to appear before the competent Court and face the trial.

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 person on 30.09.2019, who remained absent without any reason.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was arrayed as an accused and was one of the accused in the FIR and thereafter, he was declared as proclaimed person on 30.09.2019, however, the co-accused were tried and acquitted by the trial Court vide order dated 27.11.2019. In view of the above, this Court is of the view that the present petition can be disposed of today itself. As the petitioner is ready to join the proceedings and no useful purpose will be served by sending him behind the bars, rather it would be appropriate if he is directed to face the trial. So keeping in view the abovesaid contentions, the petitioner is directed to appear before the trial Court subject to payment of Rs.35,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within one week from today.

In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. He will have protection from arrest for a period of 10 days from today.

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

20.03.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No