

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

**CRM-M-14176-2023
Date of Decision : 21.03.2023**

Sukhjinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Prayer in the present petition is to set aside the order dated 20.09.2010 (Annexure P-3) vide which the petitioner was declared a proclaimed offender in the cross version matter registered under Sections 323, 324, 148 and 149 IPC in FIR No.64 dated 13.05.2007, registered at Police Station Kartarpur, District Jalandhar.

The case of the petitioner, as pleaded in the petition, is that since the petitioner was looking for better economic opportunities, he secured a visa for the United Kingdom. He left this Country in July 2010 and absented from the trial on 10.07.2010. He was declared a proclaimed offender vide the impugned order. However, subsequently vide judgment dated 19.04.2011, co-accused Narinder Singh, Surjit Singh and Gurdev Singh were acquitted. Further vide judgment dated 05.10.2016, two other co-accused namely Balvir Singh and Ravinder Singh were also acquitted. It has also been averred that

the parties have entered into a compromise on 28.02.2023 (Annexure P-8). It has been averred that the petitioner is willing to appear before the trial Court and, therefore, seeks the indulgence of this Court to set aside the impugned order.

Learned counsel for the petitioner has strenuously urged that keeping in view the fact that co-accused have already been acquitted and now a compromise has been arrived at as also the fact that the petitioner had gone abroad to make a living for himself, a lenient view deserves to be taken. It has also been submitted that co-accused Balvir Singh and Ravinder Singh had also been declared as proclaimed offenders but subsequently they submitted to the jurisdiction of the Court and have now been acquitted. Learned counsel has relied upon an order dated 16.08.2012, passed by a Coordinate Bench of this Court in CRM-M-16420-2012 wherein the petitioner in that case, who had been declared as a proclaimed offender, was given the relief of bail in case he surrendered before the trial Court.

I have considered the submissions made by learned counsel for the petitioner but am unable to agree with the same. The petitioner was declared a proclaimed offender on 20.09.2010. Almost 13 years have passed. He has now approached this Court on the basis of some compromise arrived at between the parties in February, 2023. No doubt, where the parties wish to bury the hatchet, they should be permitted to do so especially where a long time has passed and where co-accused have already been acquitted. However, nobody can be permitted to misuse the process of law in the manner in which the petitioner has done. The only remedy with the petitioner

is to submit to the jurisdiction of the trial Court.

In view of the aforementioned facts and circumstances, this Court does not find any ground to interfere with the impugned order dated 20.09.2010 (Annexure P-3). The present petition is, therefore, dismissed.

However, if the petitioner surrenders before the trial Court, the trial Court may examine his request for bail, if so moved, by keeping in view the fact that the parties have now arrived at a compromise and that co-accused have already been acquitted.

(VIKRAM AGGARWAL)
JUDGE

21.03.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No