

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23036-2015(O&M)

Date of decision:-24.08.2023

Lalli Sidhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.S.K.Biriwal, Advocate for
Ms.Paramjit Deol, Advocate
for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 03.02.2010, Annexure P2, whereby the petitioner has been declared as proclaimed offender in FIR No.154 dated 12.06.2008, under Sections 420, 467, 471 IPC and 12 of Passport Act, registered with Police Station Division No.4, Jalandhar, Annexure P1.

2. Counsel appearing for the petitioner submits that petitioner was never served as he was in UK prior to the passing of the impugned order. He submits that co-accused has faced the trial and has been acquitted by judgment dated 19.11.2014, Annexure P3.

3. Petition has been contested by the State by filing response wherein it has been submitted that the procedure prescribed under

113

Section 82 Cr.P.C. has been complied with before the impugned order was passed.

4. Heard counsel for the parties.

5. Petitioner was declared as proclaimed offender in the year 2010. Instant petition is pending in this Court since the year 2015. On 01.08.2023, this Court directed the counsel to get instructions from the petitioner, who is residing in U.K., as to when he will surrender and join the proceedings. Counsel for the petitioner requests for more time to get instructions, which is declined.

6. Considering the prayer made, petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a period of three months from today and moves an appropriate application, he shall be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court and the impugned order will stand quashed.

7. Noticing that petitioner has approached this Court five years after the passing of the impugned order, this Court deems it proper to impose cost of Rs.25,000/- which shall be deposited with 'Poor Patient Welfare Fund', PGIMER, Sector, 12, Chandigarh, and shall be a condition precedent to the release of the petitioner on bail.

8. In case, the petitioner fails to comply with any of the conditions imposed above, the instant petition shall stand dismissed.

(SUVIR SEHGAL)
JUDGE

24.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No