

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18280-2023
DECIDED ON: 17.04.2023

KHUSHWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Opinder Singh Lamba, Advocate for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner contends that the impugned order dated 15.12.2021 (Annexure P-14) passed by JMIC, Gidderbaha passed on account of absence of the petitioner which occurred due to inadvertent error on account of the fact that he was declared innocent and neither any challan was filed against him nor any investigation was pending with the Investigating Agency at any stage. Later on he has been declared as proclaimed offender by the JMIC, Gidderbaha.

In the light of the fact that the petitioner who was named by supplementary challan and in that also he has been declared innocent and accordingly an application for discharge was filed which also stands dismissed.

Learned counsel for the petitioner undertakes that the petitioner is ready to join the proceedings before the trial Court if any interim protection is

granted to the petitioner to avoid arrest as has been declared innocent and is not required in the present case in any manner whatsoever.

Learned counsel for the petitioner has also contended that the parties are left with no ground as they have settled the matter amicably and the FIR was lodged under misunderstanding resultantly in incorporation of Section 306. However without commenting on the merits of the case, the petitioner who was declared innocent and was called upon in the supplementary challan, is directed to surrender before the trial Court within a period of 02 weeks from today and move an application for regular bail. In case, any such application is moved the same shall be considered on that very day in accordance with law.

Till then the operation of the order dated 15.12.2021 (Annexure P-14) shall remain stayed.

Dispose of with the clarification that in case the petitioner does not surrender within 02 weeks from today, the impugned order which was stayed by this Court shall come in operation.

The petition is disposed of

(SANDEEP MOUDGIL)
JUDGE

17.04.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No