

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

CRM-M-20287-2023 (O&M)

DECIDED ON: 04.05.2023

BALJIT KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-20191-2023

Application is allowed as prayed for.

Annexures P-9 to P-11 are taken on record with just exceptions.

CRM-M-20287-2023

This is a petition under Section 482 of Cr.P.C., for quashing of impugned order dated 17.05.2014 (Annexure P-4) passed by trial Court, whereby the petitioner has been declared proclaimed offender in FIR No.151 dated 18.06.2009, under Sections 153-A, 120-B, 148, 440, 427 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Sadar, District Nawanshahar (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner left India on 10.08.2011 and he was not aware of registration of any FIR against him. His passport was valid up to 20.09.2020, which shows the date of

departure is 09.08.2011 and accordingly, the same was submitted for its renewal in the passport office at U.K. The passport was renewed upto 04.04.2023 (Annexure P-3), which shows that during the period, the notices were being sent to the petitioner by the trial Court, he was not in India and all the notices were issued at the place of residence in India dated 21.03.2023, wherein proclamation was ordered (under challenge) and the trial Court proceeded further.

Learned counsel for the petitioner has placed reliance upon a judgment of this Court passed in Mehar Singh and Another vs. State of Punjab and Others 2010(2) RCR (Criminal) 167, wherein the petitioner were in Canada before registration of case, prosecution failed to made attempts to serve them in Canada and thus the proceedings were quashed. He further submits that his case is purely covered by the aforesaid judgment and hence prays for setting aside of the impugned order dated 17.05.2014 (Annexure P-4). It has also been added with the submissions that all other accused persons including co-accused Inderjeet Kumar, who appeared before the trial Court, after facing complete trial have been acquitted vide judgment dated 09.02.2023 (Annexure P-8).

Learned counsel for the petitioner after apprising with the aforesaid facts undertakes on behalf of the petitioner that he will surrender before the trial Court within a period of four weeks from today.

Learned State counsel on instructions from ASI Surender Pal submits that co-accused persons have been acquitted by the trial Court vide judgments dated 17.05.2014 and 09.02.2023 (Annexures P-4 and P-8 respectively). He, on instructions from ASI Surender Pal has also endorsed no objection, in case, a direction is given to the petitioner to surrender before the

trial Court within a stipulated period.

In view of the aforesaid terms, the petitioner is directed to surrender before the trial Court within four weeks from today, and in case, he moves any application for regular bail, the same shall be considered on the same day in accordance with law.

Petition stands disposed of.

04.05.2023

(SANDEEP MOUDGIL)
JUDGE

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No