

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

**CRM-M-19749-2023
Date of Decision: 21.04.2023**

Mandip Pal Singh @ Mani @ Mandeep Singh ...Petitioner

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Manav Parteek Sharma, Advocate
for the petitioner

HARSH BUNGER, J. (ORAL)

1. Petitioner (Mandip Pal Singh @ Mani @ Mandeep Singh) has filed the instant petition under Section 482 of the Code of Criminal Procedure, praying for quashing of order dated 03.12.2004 (Annexure P-8) passed by the Court of Sub Divisional Judicial Magistrate, Samrala, whereby the petitioner has been declared as a Proclaimed Offender in case FIR No. 30 dated 23.04.2003 (Annexure P-1), registered under sections 186, 323, 332, 341, 353 and 506 of the Indian Penal Code, at Police Station Machhiwara, Tehsil Samrala, District Ludhiana.
2. Learned counsel for the petitioner would contend that the petitioner had been nominated as an accused under the said FIR and was arrested on 16.05.2003, however he was released on bail as the offences were all bailable. He submits that the Challan was presented on 29.05.2003 and notice was issued to the accused for

17.06.2003. It is submitted that thereafter summons were issued on various dates (Annexure P-3 to P-7) and vide order dated 03.12.2004 (Annexure P-8), the petitioner was declared as a Proclaimed Offender.

3. Learned counsel for the petitioner submits that when proclamation proceedings were initiated against the petitioner, he was not in India and he was living abroad in Canada. It is submitted that the petitioner was never served through Indian Embassy and the petitioner has been wrongly declared as a proclaimed offender at his back. Learned counsel for the petitioner would contend that the petitioner has returned to India only recently and has found that he has been declared as a Proclaimed Offender. Accordingly, prayer has been made for quashing of order dated 03.12.2004 (Annexure P-8), whereby he was decaled as a proclaimed offender.

4. Notice of motion to respondent No.1-State only.

5. At this stage, Mr. Subhash Godara, Additional Advocate General, Punjab, accepts notice on behalf of the respondent/State and opposes the prayer for quashing of order dated 03.12.2004 (Annexure P-8) declaring the petitioner as a Proclaimed Offender. He would contend that the petitioner was aware of the case/ proceedings against him and as per his own stand, the petitioner was released on bail, however subsequently, the petitioner had jumped the bail and gone to Canada, therefore, he is not entitled to any relief and accordingly prayer for dismissal of petition was made.

6. I have heard learned counsel for the petitioner as well learned State counsel and perused the paperbook.
7. The facts are not in dispute that the petitioner herein was aware of the aforesaid case FIR No. 30 dated 23.04.2003 (Annexure P-1) pending against him and was released on bail. Subsequently, petitioner jumped the bail that had been allowed to him as far back as in the year 2003 and subsequently, he had been declared as a Proclaimed offender by an order dated 03.12.2004 (Annexure P-8) because he absented from the proceedings in case FIR No. 30 dated 23.04.2003 (Annexure P-1). Concededly, the petitioner has absented from the proceedings for almost 19 years despite being aware of the proceedings in case FIR No. 30 dated 23.04.2003 (Annexure P-1).
8. In the peculiar facts and circumstances of this case, this Court is not inclined to allow the prayer of petitioner for quashing of order dated 03.12.2004 (Annexure P-8) declaring the petitioner as a proclaimed offender.
9. At this stage, learned counsel for the petitioner submits that the petitioner would be ready and willing to surrender before the trial Court and face the proceedings, however, he submits that the arrest of petitioner be stayed for a period of three weeks, in order to enable the petitioner to surrender before the trial Court and move an appropriate application for grant of regular bail. It is further prayed that appropriate direction be also issued that the prayer of petitioner for regular bail be considered by the concerned Court in a time bound manner.

10. Learned State counsel has not raised any objection to the said course of action.
11. In view of the above stand taken by learned counsel for the petitioner, the instant petition is being disposed of with a direction that in case petitioner surrenders before the trial court within a period of three weeks from today and applies for regular bail then his prayer for regular bail be decided expeditiously, in accordance with law. In the meanwhile, no coercive steps be taken against the petitioner for a period of three weeks from today.
12. The petition stands disposed of in the aforesaid terms.
13. Pending application(s), if any, shall also stand closed.

April 21st, 2023
Apurva/gurpreet

(HARSH BUNGER)
JUDGE

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