

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(118)

2023:PHHC:056409
CRM-M-20475-2023
Date of Decision: 25.04.2023

Sukhjinder Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. P.S. Punia, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing of FIR No.105 dated 3.8.2009 registered under sections 420, 467, 468, 471 IPC (section 406 IPC added later on) at Police Station, Raikot, District Ludhiana and order dated 1.11.2016 passed by learned JMIC, Jagraon vide which petitioner has been declared as Proclaimed Offender.

Learned counsel for the petitioner, at the outset, submits that he restricts his prayer in the present petition only qua the impugned quashing order dated 1.11.2016 by virtue of which petitioner has been declared Proclaimed Offender. It is submitted that petitioner is a permanent resident of Portugal and he is keen to join the proceedings. Counsel submits that as the petitioner was abroad he was not aware regarding the proceedings initiated against him, however, after acquittal of the co-accused namely Hartej Singh he has been informed that he has been declared Proclaimed Offender in the case and proceedings against him are pending. Counsel fairly submits that petitioner would return to India within one month and join the proceedings.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent no.1-State.

Learned State counsel has contended that the petitioner has been rightly declared as a Proclaimed Offender as he failed to join proceedings before the court.

After hearing counsel for the parties and perusing the record, it is apparent that the FIR in question was registered in the year 2009. Thereafter investigation was completed and challan was presented against the co-accused Hartej Singh, whereas petitioner was declared as Proclaimed Offender. The proceedings qua co-accused have already culminated in his acquittal by the learned Trial Court vide order dated 14.3.2023. As the counsel has submitted that petitioner is keen to join the proceedings, this court is of the opinion that no useful purpose will be served by sending him behind the bars so keeping in view the above said facts, the impugned order dated 1.11.2016 declaring the petitioner as Proclaimed Offender is set aside subject to payment of Rs.30,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner. As stated by learned counsel for the petitioner that the petitioner is keen to return to India and join the proceedings within one month from today, so, in case the petitioner returns to India within a period of one month from today i.e. till 25.5.2023 and deposits the costs as stated above within a period of 10 days from the date of his arrival and files an appropriate application with receipt of costs before the Trial Court, the Trial Court will admit him to bail subject to its satisfaction. Arrest of the petitioner will remain stayed for a period of 15 days from the date of his landing in India. In case the petitioner fails to

comply with the above said directions, then, the benefit of this order would not be available to him and the same would automatically stand recalled.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

25.04.2023

lucky	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No