

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(115)

2023:PHHC:077132
CRM-M-26672-2023
Date of Decision: 26.05.2023

Amarjit Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Ms. Shikha Charak, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing of order dated 2.1.2023 (Annexure P-6) passed in Complaint No.146/08 dated 1.9.2008 titled as “Punjab Urban Development Authority Vs. Amarjit Singh and others” under section 36 read with sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of Punjab Apartment of Property Regulation Act, 1995 passed by learned SDJM, Phillaur vide which petitioner has been declared as Proclaimed Person and direction to register FIR under section 174-A IPC, has been issued.

Learned senior counsel for the petitioner inter alia submits that petitioner has been wrongly declared Proclaimed Offender by the learned Trial Court. It is submitted that petitioner was prosecuted in the complaint filed under under section 36 read with sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of Punjab Apartment of Property Regulation Act, 1995. It is submitted that petitioner along with co-accused Surjit Singh and Prem Pal Singh was summoned vide order dated 4.10.2008 by the Trial Court. It is further submitted that petitioner had already sold the land in question vide registered sale deed and hence he had no title, right or interest in the

property in dispute. It is submitted that petitioner and Surjit Singh had deposited 25% of the compounding fee on the basis of which petitioner and co-accused Surjit Singh were acquitted by learned Trial Court vide order dated 5.6.2014. Counsel submits that petitioner is keen to join the proceedings and the impugned order deserves to be quashed.

Notice of motion to respondent no.1, at this stage.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State.

Learned State counsel has contended that the petitioner has been rightly declared as a Proclaimed Person as he failed to appear before the court on the date fixed without any reasonable cause.

In view of the above position, it is clear that at one point of time the petitioner and co-accused Surjit Singh deposited 25% of the compounding fee and were acquitted by the Trial Court. As the petitioner could not deposit the remaining amount, the matter was revived on the application of complainant and then the order dated 2.1.2023 was passed. As the petitioner is ready to join the proceedings, so, the impugned order dated 2.1.2023 declaring the petitioner as Proclaimed Offender with a direction to register a case under Section 174-A IPC, is set aside subject to payment of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within one week from today. In case petitioner appears before the Trial Court and files an appropriate application for bail along with receipt of above said costs within 10 days, then the court concerned shall admit him to bail subject to his furnishing fresh bail/surety bonds to its satisfaction. The arrest of petitioner is stayed for a period of 10 days from today.

In case the petitioner fails to comply with the above directions, the interim protection granted to him by this court today would be of no avail to him and order dated 2.1.2023 will come in force.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

26.05.2023

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	Whether Reportable:	Yes/No