

269-2

2023:PHHC:145818

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

CRM-M-26699-2022

Date of decision : 16.11.2023

Gurwinder Singh @ Ginda and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Bali, Advocate
for the petitioners.

Mr. Harkanwar Jeet Singh, A.A.G., Punjab.

Ms. Ravisha Mahajan, Advocate
for respondents No.2 & 3.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for quashing of FIR No.231 dated 12.09.2017 under Sections 307 & 34 of IPC read with Sections 27-54-59 of Arms Act, registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.10.2018 (Annexure P-9).

It has been brought to the notice of this Court that the petitioners are proclaimed offenders and are residing in USA. In the connected petition for quashing of the order dated 10.04.2018, whereby the petitioners have been declared proclaimed offenders, the following order was passed:-

“The prayer in the present petition is for quashing of order dated 10.04.2018 (Annexure P-16) whereby the petitioners have been declared proclaimed offenders in the trial arising out of FIR No.231 dated

12.09.2017 under Sections 307 & 34 of IPC read with Section 27-54-59 of Arms Act, registered at Police Station Adampur, District Jalandhar.

On 08.03.2022, the following order was passed:-

'Present petition has been filed seeking quashing of impugned order dated 10.4.2018 passed by the trial Court whereby the petitioners were declared PO in criminal case having FIR No.231 dated 12.9.2017 registered under Sections 307/34 IPC read with Section 27 Arms Act, Police Station Adampur District Jalandhar. The counsel for the petitioner contended that at the relevant time both the petitioners were not available in India and even now they are residing in USA and are represented by their attorneys. It is further contended that accused who faced trial have also been acquitted vide judgments Annexure P-20 and Annexure P-21. The counsel for petitioners further submitted that petitioners are ready to join proceedings in the trial Court in case they are granted interim protection by this Court.

Notice of motion.

On the asking of the Court, Mr. A.K. Kaundal, DAG, Punjab accepts notice on behalf of State of Punjab and Mr. Bishan Kumar, Advocate for respondent No.2 and 3.

Counsel for private respondents pleaded no objection in case permission is given to the petitioner to appear before the trial Court.

The State counsel prays for time to seek necessary instructions.

In the meanwhile the petitioners are directed to appear before the trial Court within next 3 months and on their appearance they are directed to be released on interim bail by the concerned Court to its own satisfaction.

Now be listed on 9.8.2022.’

Despite the direction by this Court that petitioners were to surrender before the trial Court, the petitioners who are stated to be residents of USA have not returned back in compliance of the aforementioned order.

In view of the above, I find no merit in the present petition and the same stands dismissed.”

In view of the above, I find no merit in the present petition and the same stands dismissed

November 16, 2023

(JASJIT SINGH BEDI)
JUDGE

ps-I

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