

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

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Criminal Misc. No. M-32488 of 2023

Date of decision :-25.07.2023

Amritpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Atul Goyal, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the order dated 24.9.2019 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Ludhiana, whereby the petitioner-husband has been declared 'proclaimed offender'.

Learned counsel for the petitioner submits that the petitioner is currently residing in Australia and has been falsely implicated in the present case. It is submitted that marriage between the petitioner and respondent No.2 took place on 21.7.2016 and due to temperamental differences, the FIR in question was lodged by respondent No.2-wife. It is submitted that the petitioner is resident of Australia and for the purpose of effecting service of summons, respondent No.2 intentionally used the local address of the petitioner so that the service upon the petitioner could not be effected. It is submitted that because of this reason, the petitioner was wrongly

declared proclaimed offender by the learned trial Court as he was not ordinarily served and when the proclamation proceedings were effected, he was abroad. It is submitted that the challan in the case has already been filed on 13.7.2020. Learned counsel submits that a compromise was effected between the petitioner and respondent No.2, and pursuant to the terms of the compromise, the petitioner had paid Rs.3,30,000/- to respondent No.2 and eventually a petition under Section 13-B of the Hindu Marriage Act was filed and the marriage between the parties stands dissolved by way of decree dated 22.4.2021 (Annexure P-6). It is submitted that in the compromise, so effected between the parties, it is also mentioned that the petitioner-husband would appear before the competent authorities i.e. Court or police for quashing of the FIR in question. Learned counsel submits that now after the above, the complainant has changed her intention and did not come forward in support of the compromise. Learned counsel further submits that the petitioner is willing to surrender before the trial Court and ready to face the trial proceedings but apprehends that in view of the order declaring him a proclaimed offender, the moment he appears, he will be taken into custody.

Notice of motion.

On asking of the Court, Ms. Kanika Sachdeva, AAG, Punjab, accepts notice on behalf of respondent-State.

In view of the above, the present petition is disposed of with the direction that till 14.08.2023, the operation of the impugned order dated 24.09.2019 (Annexure P-2) shall remain stayed qua the present petitioner however subject to payment of costs of Rs.10,000/-

to be paid to the State Legal Services Authority, UT Chandigarh. If the petitioner surrenders before the trial Court concerned on or before 14.08.2019, he shall be released on interim bail to the satisfaction of the Court concerned.

Disposed of.

July 25, 2023

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No