

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRM-M-32650-2023

Date of Decision : November 30, 2023

RAVINDER SINGH @ BINDRI @ SUKHDEEP SINGH

-Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Saurav Bhatia, Advocate for
Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the order dated 08.09.2022 (Annexure P-2), whereby, the petitioner has been declared as “Proclaimed Offender” in the proceedings emanating from FIR No.81 dated 16.06.2019, under Section 420 of the IPC, registered at P.S. Kartarpur, District Jalandhar Rural.

2. The learned counsel for the petitioner submits that though the matter stood settled *inter se* the parties concerned, however, the investigating agency proceeded to file the Final Report before the learned trial Court concerned and that too, in his absence. Since the Final Report was filed in the absence of the petitioner and that too, during the outbreak of COVID-19 pandemic, the petitioner could not cause his appearance

before the learned trial Court concerned, as he did not have any knowledge about the stage of proceedings before the learned trial Court concerned. The absence of the petitioner before the learned trial Court concerned was neither intentional nor wilful, rather was bonafide. Moreover, the very moment when the petitioner gained knowledge about his being declared “Proclaimed Offender”, he has immediately rushed to this Court, thereby assailing the impugned order (Annexure P-2).

3. Though the learned counsel for the petitioner has herein challenged the impugned order (Annexure P-2), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner is ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Considering the submissions made hereinabove and the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind declaring any person as “Proclaimed Offender” is to secure his presence for facing trial, though this Court does not find any illegality or perversity in the impugned order (Annexure P-2), however, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioner to appear before the learned trial Court concerned.

5. Consequently, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court concerned on 06.12.2013. Moreover, in case, the petitioner makes an application for grant of bail, the learned trial Judge concerned shall make an endeavour to decide the said application most expeditiously, but, after

granting adequate opportunity of hearing to the other party. The arrest of the petitioner shall remain stayed only until 06.12.2023. However, in case, the petitioner fails to appear before the learned trial Court concerned on 06.12.2023, the protection granted hereinabove qua his arrest shall stand automatically vacated, without any further reference to this Court.

November 30, 2023

devinder

Whether speaking/reasoned

Whether Reportable

(KULDEEP TIWARI)

JUDGE

:

:

Yes/No

Yes/No