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

CRM-M-48604-2022

Date of Decision: January 25, 2023

Sarabjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vivek K.Thakur, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for setting aside the impugned order dated 06.07.2015 passed by learned Judicial Magistrate Ist Class, Nakodar, in FIR No.175, dated 21.12.2013, under Sections 420, 406, 120-B IPC, registered at Police Station Mehatpur, District Jalandhar, vide which, the petitioner was declared person.

Learned counsel for the petitioner has submitted that the petitioner was not properly served as he was not in India from 14.03.2010 and came back only on 30.07.2022, whereas service of proclamation notice upon the petitioner was effected at his village on 22.05.2015 and as such, he could not appear before the Court below and join the proceedings in the above-mentioned case and as a result thereof, he was declared proclaimed person. He has submitted that co-accused of the petitioner has already been acquitted by the trial Court vide order dated 26.08.2022. He submits that the petitioner is ready to join the proceedings and contest the case on merit.

Notice of motion.

On asking of the Court, Mr.P.S.Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Heard.

After hearing learned counsel for the parties, the present petition is disposed of and order dated 06.07.2015 is set aside subject to payment of Rs.50,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. He will have protection from arrest for a period of 10 days from today. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 06.07.2015 would come in force.

January 25, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |