

258 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50556-2022
Date of Decision: 28.02.2023

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 482 of the Code of Criminal Procedure is filed seeking quashing of impugned order dated 10.10.2022 (Annexure P-4) passed by the Court of Additional Chief Judicial Magistrate, Tarn Taran, declaring the petitioner as a proclaimed offender in Criminal Complaint bearing COMI No.149 dated 14.10.2016 (Annexure P-1), titled as ***“Yadwinder Singh Vs. Balwinder Singh and others”***, filed under Sections 324, 326, 336, 379-B, 382 and 506 of the Indian Penal Code read with Section 34 of the Indian Penal Code.

On 17.11.2022, the following order was passed by a co-ordinate Bench of this Court:-

“Inter alia, contends that in the present case, the petitioner has been summoned in a complaint filed by respondent No.2, vide order dated 10.10.2022, passed by the Additional Chief Judicial Magistrate, Tarn Taran, District Tarn Taran and the petitioner has been working in Greece

since 2001 and had remained there till 2017 and had visited India in the year 2016 when his wife had died and thereafter, he had visited Canada in the year 2019 and although, he came back to India on 03.03.2022, but again went to Canada on 02.05.2022 and thereafter, came back to India on 20.10.2022 and has referred to the zimni order which has been reproduced at page 8 of the paper-book to show that as per the representation, it has been stated that the petitioner has been in Canada and yet, without serving the petitioner in Canada, he has been illegally declared as proclaimed offender, vide order dated 10.10.2022.

Learned counsel for the petitioner has further submitted that the petitioner is ready to appear before the trial Court within a period of two weeks from today and is also ready to give an undertaking before the trial Court that he will appear before the trial Court on each and every date except on the date when his personal appearance is specifically exempted by the Court.

Notice of motion for 13.12.2022.

In the meantime, the petitioner is directed to appear before the trial Court within a period of two weeks from today and on his appearance, the trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless there are exceptional circumstances regarding which, specific application for exemption from personal appearance is moved and the same is allowed by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present interim relief granted in favour of the petitioner would be liable to be vacated.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order dated 17.11.2022, the petitioner has surrendered and submitted his undertaking before the trial Court and pursuant thereto, he has been granted bail by the Court of Additional Chief Magistrate, Tarn Taran, vide order dated 19.11.2022, upon his furnishing bail bonds and surety bonds in the sum of Rs.1,00,000/- with one surety in like amount, and thereafter, the petitioner has been regularly appearing before the trial Court. Copy of the aforesaid order dated 19.11.2022 is supplied by learned counsel for the petitioner in Court today, which is taken on record, subject to all just exceptions.

Learned State counsel has not disputed the aforesaid submission made by learned counsel for the petitioner.

Heard learned counsel for the parties.

In view of the aforesaid factual position, interim order dated 17.11.2022, passed by a co-ordinate Bench of this Court, is made absolute. However, the petitioner shall continue to appear before the trial Court on each and every date of hearing. Failure on behalf of the petitioner to appear before the trial Court (unless exempted by Court) would entail the necessary consequences, in accordance with law.

Present petition is accordingly disposed of.

28.02.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No