

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

CRM-M-53094-2022

Date of decision: 12.01.2023

DALJIT SINGH @ SONU

...Petitioner

V/s

STATE OF PUNJAB

...Respondents

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Sandeep Kumar, AAG Punjab.

DEEPAK MANCHANDA J. (ORAL)

Present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No. 163 dated 03.11.2005 registered under Sections 307, 326, 323, 324, 450, 148, 149, 506 and 427 of the Indian Penal Code at Police Station Mahilpur, District Hoshiarpur.

Vide order dated 12.12.2022, learned State counsel was directed to file status report by way of affidavit as well as to verify the order declaring the petitioner as proclaimed offender as the same order was not available in records and in compliance thereof, status report by way of affidavit of Daljit Singh PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur along with the commitment order dated 20.09.2008, wherein reference was made for declaring the petitioner as proclaimed offender vide order dated 02.04.2007 has been filed, but no specific order with regard to declaring the petitioner as PO is found to be annexed with the same, except commitment order.

Learned counsel for the petitioner contends that petitioner is a Non-resident Indian and is a citizen of USA and all the parties involved in the aforesaid FIR have amicably settled the matter on the basis of compromise and as the petitioner is not residing in India since long, therefore, he was unable to take recourse of the remedy seeking quashing of the FIR in question on the basis of compromise. He submits that there is no order on record declaring the petitioner as proclaimed offender except the commitment order dated 20.09.2008 annexed with the status report as R-1, wherein the reference of declaring him as proclaimed offender on 02.04.2007 has been made and also refers to the application annexed as Annexure P-9 and P-10 vide which the petitioner applied for certified copy of the order purporting to declare him as proclaimed offender along with other co-accused. It is further submitted that as the petitioner was not in India and unable to attend the trial proceedings, learned Judicial Magistrate Ist Class, Hoshiarpur issued non-bailable warrant against the petitioner vide order dated 24.12.2006 (Annexure P-2). It is also submitted that co-accused namely Rashpal Kaur and Imninder Singh were granted the concession of bail by this Court vide orders dated 09.06.2009 (Annexure P-3) and 17.10.2011 (Annexure P-4) respectively. He prays that the petitioner is ready and willing to surrender before the learned trial Court and 8 week's time may be granted to the petitioner to appear before the Trial Court as he has to come from USA.

Notice of motion.

At this stage, Mr. Sandeep Kumar, AAG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the non-bailable warrant has been issued against the petitioner on the sole ground of his absence.

Consequently, the instant petition stands allowed and arrest of the petitioner is stayed only for a period of 8 weeks enabling him to put in appearance before the trial Court and he is directed to surrender on or before 04.03.2023 and on his doing so, he shall be admitted to bail subject to his furnishing personal bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is made clear that if the petitioner fails to appear before the trial Court within the stipulated time, interim protection granted to him will deemed to have been automatically vacated.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

12.01.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No