

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-819-2024

Date of Decision : 10.01.2024

HARMANDEEP SINGH DHILLON

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Instant petition has been filed under Section 482 of the Cr.P.C. for setting aside the order dated 01.05.2023 (Annexure P-5), whereby petitioner has been declared as a proclaimed offender by the learned JMIC, Moga, in case FIR No.91, dated 13.07.2013, under Section 324 read with Section 34 of the IPC, registered at Police Station City South, District Moga.

2. Learned counsel for the petitioner submits that the petitioner was summoned under Section 319 of the Cr.P.C. vide order dated 02.11.2021, by the learned JMIC, Moga, to face trial in FIR No.91, dated 13.07.2013, under Section 324 read with Section 34 of the IPC, registered at Police Station City South, District Moga. Thereafter, the petitioner could not cause appearance in pursuance of the summoning order (*supra*), which led the learned trial Court concerned to declare the petitioner as a proclaimed offender vide order dated 01.05.2023.

3. He further submits that the petitioner having aggrieved with the order of declaring him as a proclaimed offender, filed the instant petition for setting aside the aforesaid order on the ground that the petitioner has never been served with the proclamation order (*supra*), and he has in fact has left to Canada on dated 02.06.2018.

4. Learned counsel for the petitioner further submits that at the time, when the petitioner has travelled abroad, no criminal proceeding was pending against the petitioner, as he was declared innocent by the investigating agency. Therefore, he submits that the absence of the petitioner was never intentional, rather for the reason as mentioned above.

5. He further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned, in pursuance to the summoning order (*supra*).

5. He further draws attention of this Court to the judgment of acquittal, passed by the learned trial Court concerned, whereby, the co-accused of the petitioner has already been acquitted vide order dated 07.12.2023.

6. Notice of motion.

Mr. M.S.Bajwa, DAG, Punjab, accepts notice on behalf of respondent-State.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Keeping in view the fact that the petitioner was not properly summoned, as he had already left abroad on dated 02.06.2018, whereas,

the petitioner has been summoned vide order dated 02.11.2021, this

Court has no hesitation to conclude that the petitioner has not deliberately avoided the order vide which he has been summoned. And further, he is stated to be ready and willing to surrendered before the learned trial Court concerned, this Court deems it appropriate to grant adequate protection to the petitioner.

9. The petitioner is directed to surrender before the learned trial Court concerned, within 7 days from today. In case, the petitioner surrenders before the learned trial Court concerned, and files a regular bail application, same shall be decided on that very day.

10. It is further ordered that the petitioner shall not be arrested on arriving at airport in India.

11. In case, the petitioner does not puts an appearance before the learned trial Court concerned, within 7 days, the interim protection granted by this Court shall *ipso facto* be vacated, without any further reference to this Court.

Disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

January 10, 2024
dharamvir

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No