

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3448-2024  
DECIDED ON:23.01.2024

AMRITPAL SINGH .....PETITIONER

VERSUS

STATE OF PUNJAB .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manbir Singh Basra, Advocate and  
Mr. Gurnoor Singh, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the order dated 09.07.2019 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurdaspur vide which the petitioner was declared proclaimed person in FIR No.72 dated 19.04.2013, under Sections 452, 342, 427, 506 and 34 of IPC, registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner was declared innocent by the Investigating Agency and was subsequently summoned under Section 319 Cr.P.C. It is also the case set forth by the petitioner that he went to Canada and could not put appearance in the case since he was declared innocent and above all the other co-accused persons namely Raghbir Singh, Jagpreet Singh and Balwinder Singh after facing trial stands acquitted vide judgment of acquittal dated 14.01.2022 (Annexure P-1). Due to non-appearance of the petitioner, he was declared proclaimed person vide order dated 09.07.2019 passed by JMIC Gurdaspur, whereas no procedure has been followed by the trial Court before passing the aforesaid order, as laid down under Section 82 Cr.P.C., since no written proclamation was made.

Learned counsel for the petitioner submits that the petitioner returned back to India a week before and came to know with regard to passing of order dated 09.07.2019. He could not assert the exact date of his return.

Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the trial court and join the proceedings for furtherance of trial qua him.

Notice of motion.

On the asking of Court, Mr. H.S. Sitta, DAG Punjab, accepts notice on behalf of respondent-State, who informs the Court that though the other co-accused persons have been acquitted, but the petitioner are absconding and has been rightly declared proclaimed person, since he went to Canada, even after summoning under Section 319 Cr.P.C., which was passed at his back, when he was in Canada.

Be that as it may without going into the merits of the case any further in furtherance of justice and to bring the trial to a logical conclusion, since the other co-accused persons stands acquitted vide judgment dated 14.01.2022 (Annexure P-1), it would be in the interest of substantial justice that the order dated 09.07.2019 (Annexure P-2) is ordered to be kept in abeyance subject to the petitioner surrendering before the trial Court on or before 03.02.2024. In case the petitioner surrenders before the trial Court and moves an application seeking bail, the same shall be considered and decided by the trial Court in accordance with law on that very day.

Petition stands disposed of.

(SANDEEP MOUDGIL)  
JUDGE

23.01.2024

Meenu

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |