

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-3641-2024 (O&M)
Date of Decision.:16.02.2024

Sukhjinder Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. K.B.S. Mann, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

CRM-6995-2024:

This is an application under Section 482 Cr.P.C. seeking permission to place on record copies of the orders Annexure P-5 to Annexure P-7 (Colly).

2. Allowed.

3. Annexure P-5 to Annexure P-7 (Colly) are taken on record.

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4. By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 13.07.2022 passed by learned Additional Chief Judicial Magistrate, Kapurthala (Annexure P-3) during the trial of case FIR No.17 dated 26.03.2015 registered under Sections 283, 304-A, 427 of the IPC registered at Police Station Dhilwan, District Kapurthala, whereby petitioner was declared proclaimed person.

5. Petitioner was earlier on bail. He absented from trial on 23.07.2019 due to which his bail was cancelled and bonds were forfeited. As his presence could not be procured despite warrants of arrest and proclamation, he was declared proclaimed person.

6. Learned counsel contends that petitioner had applied for USA VISA through a travel agent. Petitioner was struck with the same and as he got the

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VISA he had to leave for USA on 09.06.2019. Ultimately it was found that VISA was a fraud. He came back to India.

7. After going through all the zimni orders passed by the Trial Court and hearing learned counsel, this Court is not inclined to grant the prayer as sought by the petitioner.

8. At this, learned counsel for the petitioner has made a request so as to permit the petitioner to surrender before the Trial Court and only till date of surrender to protect him.

9. Notice of motion.

10. Mr. R.K. Takkar, DAG, Punjab accepts notice on behalf of respondent- State.

11. Petitioner is hereby directed to surrender before the Trial Court concerned on or before 01.03.2024. This prayer is allowed subject to ₹25,000/- as cost to be deposited with District Legal Services Authority, Kapurthala.

12. In addition to above, on surrender of the petitioner Trial Court concerned shall initiate proceedings under Section 446 Cr.P.C. against the petitioner. Only after disposal of those proceedings under Section 446 Cr.P.C. the bail application to be moved by the petitioner, shall be considered in accordance with law. Till the date of surrender, arrest of the petitioner shall remain stayed. It is further made clear that in case, petitioner fails to surrender before the Trial Court on or before 01.03.2024, then this order will have no effect.

13. Disposed of.

(DEEPAK GUPTA)
JUDGE

February 16, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable

Yes/No