

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3611-2024
DECIDED ON:23.01.2024

TAJINDER SINGH BRAR
.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pranjal P. Chaudhary, 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 03.10.2022 (Annexure P-2) passed by SDJM, Bagha Purana, District Moga, vide which the petitioner has been declared as proclaimed person in FIR No.29 dated 05.03.2019 (Annexure P-1) under Sections 323, 325 and 149 of IPC, 1860 registered at Police Station Baghpurana, District Moga.

Learned counsel for the petitioner submits that the petitioner was granted bail on 03.03.2020 by the trial Court. Though, it is a case set forth by the petitioner that he left for Canada on 28.10.2020, as he was neither called upon by the trial Court nor there were any instructions. He returned to India on 30.12.2023 and came to know with regard to passing of impugned order dated 03.10.2022 (Annexure P-2) vide which the petitioner was declared a proclaimed person in above-said FIR.

Notice of motion.

On the asking of Court, Mr. H.S. Sitta, DAG Punjab, accepts notice on behalf of respondent-State, who on instructions from ASI Boota Singh informs the Court that in fact the challan was filed on 22.05.2020 and charges were also framed by the trial Court on 14.07.2022 and, therefore it is incorrect on behalf of the petitioner that he was having no knowledge about the proceedings being commenced before the trial Court.

To counter the aforesaid assertions of the learned State counsel, learned counsel for the petitioner has drawn attention of this Court to the zimni orders attached as Annexure P-3 collectively to show that he was never served after filing of challan and neither a copy of the challan was supplied to him, as is evident from the order dated 22.05.2020.

Be that as it may, it is evident that on 22.05.2020, the trial Court has not furnished the copy of challan to the accused persons, as is not recorded in the order and subsequently the case being adjourned on account of outbreak of Novel Coronavirus, (Covid 19) and in the meanwhile, the petitioner left for Canada on 28.10.2020 and therefore has shown bona fide and is having no intention to avoid the trial proceedings, which were not in his knowledge for which he was never duly served, though efforts seem to have been made to serve him.

Now the order dated 03.10.2022 (Annexure P-2) has been passed vide which the petitioner has been declared a proclaimed person and registration of FIR under Section 174-A of IPC has been ordered to be alleged.

The petitioner has returned to India on 30.12.2023 and has immediately approached the Court to seek relief putting a challenge to the order dated 03.10.2022 (Annexure P-2).

Looking into the totality of facts and the sequence of events as elaborated in the instant petition and submitted by learned counsel for the petitioner

during the course of hearing, it would be the fittest of things that once the petitioner is ready and willing to surrender before the trial Court, which would facilitate the furtherance of proceedings to reach to a logical conclusion, the order dated 03.10.2022 (Annexure P-2) is directed to be kept in abeyance, subject to the petitioner surrendering before the trial Court on 03.02.2024. In case the petitioner surrenders before the trial Court on 03.02.2024 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

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No