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

CRM-M-4637-2021

Date of Decision: September 24, 2024

SUKHWANT SINGH @ PAPPU**....Petitioner(s)****VERSUS****STATE OF PUNJAB AND ANOTHER****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of FIR No.106 dated 14.10.2013 under Sections 454, 380, 411 of IPC registered at Police Station Sadar Faridkot, District Faridkot and quashing of order dated 17.12.2018 passed by Judicial Magistrate 1st Class, Faridkot vide which the petitioner was declared as proclaimed person.

Learned counsel for the petitioner submits that co-accused persons in the instant FIR stands acquitted vide judgment of acquittal dated 26.02.2019 (Annexure P-2) and the petitioner claims himself to be similarly situated in all probability for acquittal in the same terms. He further submits that vide order dated 17.12.2018 vide which the petitioner was declared as proclaimed person, 30 days stipulated period has not been calculated as per the mandate of Section 82 Cr.P.C. inasmuch as he was not served in the



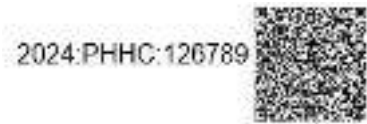
proceedings while executing the bailable/non-bailable warrants and subsequently at the time of issuance of proclamation since he went abroad in the year 2016 to Beirut. The petitioner came back to India on white passport on 22.07.2020 and thereafter came to the knowledge regarding the acquittal of the other accused as well as he stands proclaimed offender way back in the year 2018 vide order dated 17.12.2018.

Be that as it may without going further into the merits of the case as has been undertaken before this Court, the petitioner is ready to surrender before the trial Court, taking the said assertion bona fide on the part of the petitioner, the impugned order dated 17.12.2018 reproduced in para-4 of the petition is hereby ordered to be set aside subject to the condition, the petitioner will surrender before the trial Court within a period of 10 days from today.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Employees Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.



It is further made clear that cost imposed upon the petitioner should not be termed to be an order of bargain but is a penalty imposed on account of causing delay in the trial proceedings which otherwise ought to have been culminated in the year 2019 itself i.e. 05 years earlier in time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.09.2024
Sangeeta

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