

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M-10216-2024
Date of Decision: 05.04.2024

Pritam Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 21.11.2023 (Annexure P-4), whereby, the petitioner was declared as proclaimed person.

Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the trial Court though he was subject to having protection from this Court.

With due contention, impugned order dated 21.11.2023 stating that now an FIR has been ordered to be registered under Section 174-A IPC along with the property of the petitioner to be presented in Court.

Learned counsel for the petitioner assailing the order declaring him proclaimed person on the ground that when the proclamation was ordered to be issued on 04.10.2023 under Section 82 Cr.P.C. for 21.11.2023, the said proclamation has not been served upon the petitioner

who is residing at Duplex D6, Scheme No.1, Improvement Trust, District Gurdaspur, Punjab whereas the complainant has mentioned the address where petitioner used to be earlier residing at native place i.e. Village Bhago Kawan, Post Office Magar Mudian, District Gurdaspur.

In the light of above, he asserts that in this eventuality, the petitioner was unaware of the proceedings under Section 82 Cr.P.C. initiated against him or issuance of non-bailable warrants against him as is evident from the perusal of earlier orders (Annexures P-2 and P-3) respectively.

In light of the above, considering the bona fide before this Court at the request of the petitioner that he is ready and willing to join the trial Court at this stage though his absence has taken place not on his deliberate or intentional account but taken place due to the reasons mentioned hereinabove which shows sufficient bona fide on his part. Further, this Court keeping in mind the fact that surrendering of petitioner will facilitate earlier disposal before the trial Court, I deem it appropriate to allow the present petition.

In view of above, the petitioner is directed to surrender before the trial Court within a period of two weeks from today. In case of doing so and any application for bail is moved, then the same may be considered on that very date in accordance with law.

However, this order shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association which receipt shall be produced before the trial Court at the time of surrender before the trial Court.

It is made clear that the aforesaid cost is not as a pre-condition for allowing this petition but to compensate as the conduct of the petitioner

has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

05.04.2024

D.Bansal

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No