

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

110-2

CRM-M-11812-2024 (O&M)
Date of decision: 04.10.2024

SUKHPAL

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Amandeep Singh, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C., with the prayer to quash the order dated 02.02.2015 (Annexure P-2) whereby the petitioner was wrongly declared proclaimed offender by the Court of Sh. Mandip Mittal (PCS), Chief Judicial Magistrate Jalandhar, in an FIR No.5 dated 21.05.2014 under Sections 406, 498-A, 120-B of IPC, registered at Police Station NRI, District Jalandhar (Annexure P-1) as the matrimonial dispute has been settled vide compromise deed dated 30.05.2014 (Annexure P-3), and the FIR in question against the other accused/family members have already been quashed by this Hon’ble Court vide orders dated 09.10.2015 (Annexure P-4) and order dated 06.11.2017 (Annexure P-5).

2 On 23.05.2024, the following order was passed:



“Status report has been filed by respondent No. 1-State, as per which, the petitioner could not be arrested and was declared a proclaimed offender by the trial Court and intimation to this effect had been received by the SHO, Police Station NRI, Jalandhar regarding passing of order dated 02.02.2015.

The report from the District & Sessions Judge, Jalandhar has also been received, as per which, the record pertaining to the proceedings initiated under Section 82 of Cr.P.C. against the present petitioner for declaring him as a proclaimed offender as well as the orders passed in this regard including order dated 02.02.2015 could not be traced out and an enquiry has been initiated for fixing the responsibility of the official concerned for loss of the record.

In view of the aforesaid report as well as reply submitted by the respondent No. 1-State, it is very much clear that the record pertaining to the proceedings initiated against the petitioner for declaring him as a proclaimed offender is not traceable at this stage. The petitioner cannot be put to any prejudice because of this fact. He is ready to join the proceedings before the trial Court.

Accordingly, the petitioner is directed to appear before the trial Court on or before 05.07.2024 and on his doing so, the trial Court shall release him on interim bail, subject to his furnishing personal/surety bonds to its satisfaction.

List again on 19.07.2024.

Till the time the petitioner appears before the trial Court, his arrest shall remain stayed.

The Magistrate concerned is directed to submit a report regarding petitioner’s joining the Court proceeding, on or before the next date of hearing.”

3. Vide order or even date i.e. 04.10.2024 passed in CRM-M-63517of 2023, the FIR in question itself has been quashed. No useful purpose would be served by keeping the impugned order in vogue. Accordingly, the impugned order dated 02.02.2015 is hereby quashed.
4. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 04, 2024
jatin

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