

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

129

2024:PHHC:036718
CRM-M-12885-2024
Date of decision: March 14th, 2024

Kulwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harneet Singh Oberoi, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking quashing of order dated 18.05.2022 (Annexure P-6) passed by learned SDJM, Bholath, whereby the petitioner had been declared as proclaimed absconder in case FIR No.73 dated 05.08.2017 under Sections 323, 324, 341, 506, 148, 149 of the IPC, registered at Police Station Begowal, District Kapurthala.

2. Learned counsel for the petitioner submits that the impugned order has been passed in contravention of the provisions of Section 82 of the Cr.P.C. It has also been submitted that it is also a matter of record that the parties had amicably settled all their disputes in the FIR in question much prior to the passing of the impugned order and even the FIR in question already stood quashed qua all the other accused to the exclusion of the present petitioner as he was based out of India. Learned counsel while drawing the attention of this Court to the order dated 09.07.2021 passed by this Court (Annexure P-5) has further submitted that it is also a matter of record that the complainant had also

compromised the matter with the petitioner, however, on account of he being absent from India, he could not appear to get his statement recorded along with the co-accused and thus, the FIR in question could not be quashed qua him. Learned counsel for the petitioner submits that the petitioner is ready and willing to appear and surrender before the trial Court. Hence, in the aforementioned facts and circumstances, petitioner be protected till his appearance before the trial Court and with directions to the trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

3. Notice of motion.
4. On asking of the Court, Mr. Amit Rana, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1-State.
5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the trial Court within seven days from today. Till then, no coercive steps be taken against the petitioner.
6. It is made clear that in case, the petitioner fails to surrender before the trial Court within seven days from today, this order shall be of no avail to him thereafter. In case, on appearance and surrender, the petitioner moves an application for bail before the trial Court, the same shall be decided preferably on the same day by the trial Court in accordance with law.

March 14th, 2024

Puneet

Whether speaking/reasoned : Yes

Whether reportable : No

(MANJARI NEHRU KAUL)
JUDGE