

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224-1 CRM-M-18155-2023
Date of Decision : March 01, 2024

AMANPREET SINGH @ AMNA @ AMANDEEP SINGH GILL

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Puneet Sharma, Advocate for
Mr. J.S. Bhinder, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner has assailed the order dated 25.11.2019 (Annexure P-4), whereby, the learned Magistrate concerned has, in Complaint bearing No. COMI/146/2015, titled as “Rajbinder Singh Vs. Ranjodh Singh and others”, declared the petitioner as “Proclaimed Person”.

2. The learned counsel for the petitioner has, in his constituting the bedrock for grant of the relief (supra), argued that despite a specific report being received by the learned trial Court concerned, thereby making intimation qua shifting of petitioner’s abode to abroad, yet no attempt was made to serve the petitioner through Ministry of External

Affairs. Consequently, for want of proper service and for want of proper procedure being adopted, as prescribed under the Cr.P.C., the learned trial Court has erred in initiating proclamation proceedings under Section 82 of the Cr.P.C. against the petitioner.

3. The learned counsel for the petitioner has further argued that, since for reasons (*supra*), when the petitioner did not have any knowledge about initiation of proceedings (*supra*) against him, there was no occasion for him to cause appearance before the learned trial Court concerned, and as such, his absence was neither wilful nor intentional, rather was *bona fide*.

4. Lastly, the learned counsel for the petitioner has argued that the petitioner's co-accused, who faced the agony of trial, has already been acquitted by the learned trial Court, as matter stands compromised *inter se* the parties concerned. To lend corroboration to his submission *qua* compromise, he has submitted that the petitioner has already filed a petition bearing No. CRM-M-18676-2023 before this Court, thereby seeking quashing of the Complaint (*supra*), on the basis of a Compromise Deed.

5. A Co-ordinate Bench of this Court had, on 07.12.2023, directed the petitioner to surrender before the learned trial Court concerned on 22.12.2023. In addition, it was also directed that, in case the petitioner surrenders and makes an appropriate application, he shall be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned. Moreover, the petitioner was also burdened with costs of Rs.30,000/- to be deposited

with 'Poor Patient Welfare Cell', PGIMER, Sector 12, Chandigarh.

6. The learned counsel for the petitioner submits that the petitioner had, in compliance of directions (*supra*), caused appearance before the learned trial Court, and thereupon, he has been released on bail. He has further drawn attention of this Court towards the photocopy of a receipt, to submit that, the cost of Rs.30,000/- has also been deposited by the petitioner in the account concerned.

7. The learned counsel appearing for the respondent No.2 has admitted the factum *qua* compromise *inter se* the parties concerned, and, has also extended his 'No Objection' in case the impugned order is set aside.

8. This Court has considered the arguments made by the learned counsel for the petitioner, and, examined the impugned order on its own merits also. It can safely be concluded that the impugned order does not pass the test of validity, as despite being seized of adequate intimation *qua* shifting of petitioner's abode to abroad, the learned trial Court concerned did not ensure that adequate steps/procedure is adopted for causing proper service upon the petitioner, through Ministry of External Affairs.

9. Consequently, the instant petition is **allowed**, and, the order dated 25.11.2019 is set aside.

March 01, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No