

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20858-2024
DECIDED ON: 29.04.2024

JASWANT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anil Kumar Spehia, Advocate
for the petitioner.

Mr. S.K. Arya, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of the impugned order dated 23.11.2000 (Annexure P-4), passed by the learned Chief Judicial Magistrate, Jalandhar vide which the petitioner has been declared proclaimed offender arising out of FIR No.47, dated 26.05.1995, under Sections 279, 338 and 304-A of the IPC, 1860, registered at Police Station Division No.4, District Jalandhar, Punjab, with all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner contends that the petitioner did not appear on 01.03.2000, to which Chief Judicial Magistrate issued proclamation order on 25.08.2000 and thereafter he was declared as proclaimed offender on 23.11.2000. It is further asserted on behalf of the petitioner that when the notice of proclamation was served under Section 82 Cr.P.C upon the petitioner, he was not in India and the said fact has been clearly mentioned in the report by the police official, who served the

proclamation notice and, thus, the impugned order dated 23.11.2000 is totally wrong and liable to be set aside as it is against the mandate of Section 82 Cr.P.C.

3. However, learned counsel for the petitioner on instruction from his client undertakes before this Court that he will surrender before the trial Court within a period of six weeks from today.

4. Notice of motion.

5. On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

6. In view of the above, the petitioner is directed to surrender before the trial Court within a period of six weeks from today and apply for regular bail.

7. 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.

8. 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.

9. Also, there is no denial to the fact that due to petitioner's act, delay been occurred in trial proceedings and delay in proceedings has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.1.5 lakhs with the Bharat Vikas Parishad Charitable and Research Trust, Sector 12-A,

Panchkula, Account No.65271499119, IFSC Code: SBIN0050726 and a receipt of the same be produced before the Appellate Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

10. In view the above, the present petition is allowed and the order dated 23.11.2000, passed by Chief Judicial Magistrate, Jalandhar is hereby quashed qua the petitioner.

11. The instant petition is disposed of in the aforesaid terms.

29.04.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No