

Sr. No.300(02)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22508-2023
Date of decision: 08th May, 2024

RAKESH KUMAR YADAV**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.S. Gill, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Manna Singh, Advocate for
Mr. F.S. Virk, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 19.12.2014, passed by the Chief Judicial Magistrate (NRI Court), Jalandhar (Annexure P-2), whereby the petitioner has been declared as a proclaimed offender in FIR No.14 dated 08.08.2014, under Sections 498-A, 494, 34 IPC, 1860, registered at Police Station NRI, District Jalandhar City.

[2] As per the order dated 05.05.2023, while issuing notice of motion, the petitioner was directed to surrender before the competent Court and seek bail within a period of four weeks. Order dated 05.05.2023 reads as under:-

“xxx xxx xxx xxx

Learned counsel for the petitioner submits that the matter has been compromised between the parties and in fact, the co-accused has been acquitted, however, the petitioner was not aware of the said fact. Learned counsel for the petitioner has further submitted that the petitioner had never visited India after he was declared proclaimed offender in the year 2014. He further submits that the petitioner has gone to Italy in the year 2004 and

returned to India in the year 2010 and thereafter, once in the year 2011, but the FIR was lodged after he left India in the year 2011. Notice of motion. Mr. Pankaj Khullar, AAG, Punjab accepts notice on behalf of respondent No.1/State. At this stage, Mr. F.S. Virk, Advocate accepts notice and filed his Power of Attorney on behalf of respondent No.2/complainant, which is taken on record. Adjourned to 21.08.2023. In the meanwhile, order dated 19.12.2014 shall remain stayed and the petitioner is directed to surrender before the competent Court and seek bail within four weeks from today.

xxx xxx xxx xxx”

- [3] Learned counsel for the petitioner submits that the petitioner has surrendered before the trial Court on 25.05.2023, in compliance of the aforesaid order dated 05.05.2023.
- [4] Learned State counsel has confirmed the fact that the petitioner has surrendered before the trial Court on 25.05.2023.
- [5] Keeping in view the above facts and in view of the reasons recorded in the order dated 05.05.2023, the present petition is allowed. Order dated 19.12.2014, passed by the Chief Judicial Magistrate, NRI Court, Jalandhar, is set aside.
- [6] The present petition stands disposed of accordingly.
- [7] All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No