



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224

CRM-M-22868-2023 (O&M)

Date of Decision: 18.10.2024

Tejinderdeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nitin Goswami, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the 1st petition under Section 482 of the Code of Criminal Procedure 1973 is for quashing of the Impugned Order dated 5.5.2022 (Annexure P-2), passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga whereby the petitioner has been declared as Proclaimed Offender in case FIR No.202 dated 20.10.2021 U/s 376-D, 506 IPC 1860, P.S. Nihal Singh Wala, District Moga (Annexure P-1).

On the last date of hearing i.e. 16.09.2024, following order was passed by this Court:-

“By way of filing the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 05.05.2022 (Annexure P-2), passed by the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala declaring the petitioner as proclaimed offender in case FIR No. 202 dated 20.10.2021 (Annexure P-1) registered under Sections 376-D and 506 IPC at Police Station Nihal



Singh Wala, District Moga.

First of all, it is pertinent to mention here that the petitioner was roped in FIR (Annexure P-1) on the premise that he is also known as Yudhvir Singh @ Yodha S/o Mangal Singh, which is incorrect. In this regard, learned counsel for the petitioner has placed on record copies of affidavits of Jagtar Singh Chowkidar S/o Ajaib Singh S/o Karnail Singh resident of Village Bhagike, Tehsil Nihal Singh Wala, District Moga and Kulwinder Kaur, Member Gram Panchayat village Bhagike wife of Gurnand Singh S/o Sukhdev Singh, as Annexure P-8 and P-9, respectively, wherein they both have stated that they know Tejinderdeep Singh S/o Baljit Singh personally and he is not known as Yudhvir Singh @ Yodha.

Learned counsel for the petitioner, inter alia, submits that the impugned order (Annexure P-2) declaring the petitioner as proclaimed offender, is prima facie unsustainable as the petitioner had approached this Court for grant of anticipatory bail by way of petition bearing No. CRM-M-18251-2022, in which vide order date 02.05.2022 (Annexure P-3) a co-ordinate Bench of this Court had directed that 'no coercive steps be taken against the petitioner till the next date of hearing'. Despite that the learned Illaqa Magistrate, vide impugned order dated 05.05.2022 has declared the petitioner as proclaimed offender. Thereafter, vide order dated 07.09.2022 (Annexure P-6) passed by a co-ordinate Bench of this Court in CRM-M-18251-2022 and 02 other connected petitions, the petitioner along with his co-accused was granted 15 days time to file an application before the learned trial Court for grant of anticipatory bail and interim protection earlier granted to the petitioner vide order dated 02.05.2022 (Annexure P-3), was extended for the next 15 days. In compliance of the



order (Annexure P-6), the petitioner had duly filed an application under Section 438 Cr.P.C. for grant of anticipatory bail before the learned Additional Sessions Judge, Fast Trach Special Court, Moga. However, the same was dismissed vide order dated 14.10.2022, on the ground that it was a case of gang rape and heinous crime was committed, therefore, custodial interrogation of the accused is required.

Learned counsel contends that first and foremost, the petitioner could not have been declared as proclaimed person, in view of the direction of this Court in order dated 02.05.2022 (Annexure P-3) that no coercive action be taken against the petitioner. Further, it is submitted that in any event, one co-accused of the petitioner, namely, Kuldeep Singh, stands acquitted by the learned trial Court vide judgment dated 17.01.2023 (Annexure P-10). It is submitted that the petitioner was not named in the FIR and the main accused-Kuldeep Singh, who had nominated the name of the petitioner in the present case already stands acquitted by the learned trial Court. Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the learned trial Court to attend the trial proceedings and, therefore, requests that the impugned order dated 05.05.2022 (Annexure P-2) may be set aside.

Heard.

In view of the above and keeping in view the totality of the facts and circumstances of the case, but without commenting upon the merits of the case, the impugned order dated 05.05.2022 (Annexure P-2), declaring the petitioner to be proclaimed offender and all subsequent proceedings arising therefrom, are ordered to be set aside. The petitioner is directed to surrender before the learned trial Court/Duty Magistrate within a period of 15 days from today i.e. on or



before 30.09.2024 and move an application for bail, which shall be considered and disposed of by the learned trial Court/Duty Magistrate on the same day, by accepting bail/surety bonds to be furnished by the petitioner to its satisfaction, subject to payment of costs of Rs.20,000/- to be deposited by the petitioner with in a period of one week from today with the Punjab and Haryana High Court Lawyers' Welfare Association Fund, Chandigarh.

Adjourned to 18.10.2024.

Learned trial Court/Duty Magistrate, concerned shall send a compliance report in this regard by the next date of hearing.”

In compliance of the above said order, learned Additional District and Sessions Judge, Moda, has submitted his report dated nil duly forwarded by the learned District and Sessions Judge, Moga on 04.10.2024, wherein it is stated as follows:-

“A copy of the order dated 27.09.2024 passed by Shri Sanjeev Kundi, the learned Additional Sessions Judge, Moga being Duty Officer reveals that the accused has complied with the directions issued by the Hon'ble High Court by placing on record receipt showing the deposit of costs of Rs 20,000- with Punjab and Haryana High Court Lawyers Welfare Association Fund, Chandigarh and upon this, the learned Duty Officer has admitted the applicant/accused on bail on furnishing of personal bond in the sum of Rs. 1,00,000- with one surety in the like amount, which were accepted and attested by the learned Duty Officer on 27.09.2024.”

In view of the above, nothing survives in the present petition
and the same stands disposed of.

Pending application, if any, stands disposed of.

18.10.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No