



CRM-M-4799-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110-2)

CRM-M-4799-2018 (O&M)
Date of Decision : 20.11.2024

Aspan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 482 of Cr.P.C., a challenge is thrown to the order dated 22.09.2017 (Annexure P-7), wherethrough, the petitioner was declared, as a proclaimed person, in case FIR No.80 dated 04.07.2000, under Sections 420, 467, 468, 471 and 199 of the IPC, 1860, registered at Police Station Islamabad, Amritsar, and also FIR No.120, dated 03.10.2017 (Annexure P-14), under Section 174-A of the IPC, 1860, registered at Police Station Islamabad, Amritsar, in result of the petitioner being declared, as a proclaimed person.
2. Though the learned counsel for the petitioner has thrown a challenge to the order (supra), declaring the petitioner, as a proclaimed person, however, he failed in his attempt. He further submits that the petitioner is still ready and willing to join the proceedings, before the learned trial Court concerned, in case, adequate protection is granted to him.



3. Learned counsel for the petitioner submits that the petitioner was earlier granted the relief of anticipatory bail, vide order dated 03.10.2000 (Annexure P-3), passed by the learned Sessions Judge, Amritsar. Thereafter, the prosecution remained sitting over the matter till 2016, and finally, the report under Section 173 of Cr.P.C., was filed before the learned trial Court concerned, only in the year 2016.

4. In the meanwhile, the petitioner also filed, a petition bearing No.CRM-M-12885-2015, under Section 482 of Cr.P.C., seeking quashing of the FIR, mainly, on the basis of delay, in concluding the investigation. In 2017, an enquiry was conducted, where through, the petitioner was found to be innocent, and recommendation was made by the Additional Deputy Commissioner of Police, concerned, for issuance of directions upon the SHO concerned, to present the report under Section 173(8) of Cr.P.C. However, the said report was not accepted by the competent authority.

5. Considering the fact that the prosecution agency itself took about 16 years, to conclude the investigation in the instant FIR, and the petitioner has already approached this Court, prior to the filing of final report, seeking quashing of the FIR, this Court can safely conclude that the petitioner is not running from the clutches of law, rather, he is taking all the legal alternate remedy/ies.

6. Considering the innocuous and *bona fide* prayer, as made by the learned counsel for the petitioner, this Court deems it appropriate, to extend adequate protection to the petitioner, in case, he join the proceedings before the learned trial Court concerned, within 15 days from today.

7. Therefore, the petitioner is directed to join the investigation before the learned trial Court concerned, within 15 days from today, and in

case, he join the proceedings, the petitioner shall be released on regular bail, on furnishing fresh bail/surety bonds, to the satisfaction of the learned trial Court concerned.

8. In case, the petitioner fail to make compliance of the directions (supra), then the interim protection granted by this Court, would *ipso facto* be vacated, after 15 days from today, without any further reference of this Court.

9. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

November 20, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No