

KARNAIL SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dharam Bir Bhargav, Advocate,
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

Mr. Madan Sandhu, Advocate
for complainant/respondent No.2.

KARAMJIT SINGH, J. (ORAL)

CRM-13338-2024

For the reasons stated in the application and there being no objection from the other side the present application is allowed and the main case is taken on board today itself.

CRM-M-29592-2023

The present petition has been filed by the petitioner seeking quashing of order dated 06.11.2017(Annexure P-2) passed by the Court of Additional Chief Judicial Magistrate, Amritsar whereby the petitioner has been declared as proclaimed person in criminal case having FIR No. 121 dated 26.05.2011 registered under Sections 406 and 420 of IPC at Police Station Division-A, Amritsar, District Amritsar.

2. Counsel for the petitioner while assailing the impugned order submits that order dated 06.11.2017(Annexure P-2) was not passed by the Court concerned in consonance with the provisions of Section 82

Cr.P.C. as period of 30 days was not provided to the petitioner for his appearance before the Court concerned with effect from the date of publication of proclamation as is evident from the orders dated 25.09.2017, 06.10.2017, 21.10.2017 and 06.11.2017 which are reproduced in the petition itself. Counsel for the petitioner further submits that another two accused who faced trial were acquitted by the Court concerned vide judgment dated 27.02.2018(Annexure P-3). Counsel for the petitioner further submits that now matter has been compromised between the parties vide affidavit dated 19.04.2013(Annexure P-4) and that petitioner is ready to join the proceedings before the trial Court.

3. Learned State counsel while resisting the present petition submits that there is no illegality and perversity in the impugned order dated 06.11.2017(Annexure P-2) and that the present petition deserve to be dismissed.

4. Counsel appearing on behalf of complainant/respondent No.2 has admitted the factum of compromise which has been effected between the parties and is having no objection if the impugned order is set aside.

5. I have considered the submissions made by counsel for the petitioner and State counsel.

6. From the perusal of the record, it appears that the impugned order was not passed by the Court concerned as per the mandate of Section 82 Cr.P.C. which provides that at least 30 days time is to be given to accused person to appear before the Court concerned from the date of publication of proclamation. In the instant case, it appears that period of

Even otherwise it appears that now parties have entered into an agreement and effected compromise and already two accused persons who faced trial stand acquitted vide Annexure P-3.

7. In light of the above, the impugned order is not sustainable in eyes of law and is hereby set aside. The petitioner is directed to appear before the learned trial Court within next 3 weeks and to move an application for grant of regular bail which is to be decided by the said Court on the same very day taking into consideration the fact that the matter has been compromised between the parties.

8. The present petition is disposed of in aforesaid terms.

03.04.2024

Priyanka Thakur

1. Whether speaking/reasoned:
2. Whether reportable:

(KARAMJIT SINGH)

JUDGE

Yes/No
Yes/No