



2024:PHHC:003207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-29196-2023

Date of Decision: 11.01.2024

Arvind Kumar @ Arvind Kumar Chaudhary

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Punjab.

VIKAS SURI, J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of order dated 26.02.2018 (Annexure P-5) passed in case FIR No.40 dated 06.09.2016, under Section 25 of Arms Act, registered at Police Station GRP Pathankot, District Pathankot.

2. Vide order dated 22.09.2023, petitioner was directed to deposit an amount of ₹5,000/- as costs and surrender before the trial Court within a period of two weeks. The operative part of the said order reads as thus:-

“Learned counsel for the petitioner *inter alia* submits that the proclamation is not as per the mandate of Section 82 Cr.P.C. He refers to the interlocutory order dated 25.01.2018, wherein statement of serving official has been reproduced. It is contended that the proclamation was ordered to be issued for 25.01.2018 and the conceded case is that

the publication was made on 19.01.2018 and thus, condition of mandatory period of 30 days is not fulfilled. Referring to discharge summary (Annexure P-6) from Jawarhar Lal Nehru Medical College, Aligarh Muslim University, Neurosurgery Department, it is further submitted that the petitioner belongs to another State, where he suffered head injury on account of an assault on him and had remained admitted to hospital as well. It is further submitted that the petitioner was young boy of 20 years at the time of alleged occurrence, who had come to the State of Punjab to earn his livelihood and does not have a stable or strong financial means. The petitioner is keen to join proceedings once again and face trial.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and waives service. He seeks time to file reply/status report.

In the meanwhile, petitioner is directed to deposit an amount of Rs.5,000/- as costs with 'Punjab and Haryana High Court Bar Association Benevolent Fund' and surrender before the trial Court concerned within a period of two weeks from today. In case the petitioner surrenders before the trial Court and moves an appropriate application for bail along with receipt of above said costs, he be enlarged on interim bail subject to his furnishing bail-bond and surety bonds to the satisfaction of the trial Court.

To enable the petitioner to put in appearance before the Court below, his arrest pursuant to the impugned proceedings shall remain stayed till

05.10.2023.

Needless to observe that in case the petitioner fails to comply with the above said direction, the protection granted herein shall cease to exist.”

Learned counsel for the petitioner submits that the costs have been deposited against receipt dated 28.09.2023 and the petitioner has surrendered before the trial Court in compliance of the aforesaid order passed by this Court. During the pendency of the present petition, vide judgment dated 03.11.2023, petitioner has been convicted and sentenced to undergo imprisonment for the period already undergone by him. It is submitted that in view of the same, the present petition has served its purpose and the same has been rendered infructuous. It is prayed that the same be disposed of as such.

Learned State counsel does not dispute the submissions made by learned counsel for the petitioner and passing of judgment dated 03.11.2023 noticed above.

In the light of the above, the present petition is disposed of as having been rendered infructuous.

January 11, 2024
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(VIKAS SURI)
JUDGE

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