



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-31359-2024

Date of decision: 23.07.2024

GURPREET SINGH @ BHURI

....PETITIONER(S)

Versus

STATE OF PUNJAB

....RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

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SANJIV BERRY, J.(ORAL)

The petition under Section 482 Cr.P.C. has been filed for quashing of order dated 15.07.2023 (Annexure P-4) passed by the Court of Sub Divisional Judicial Magistrate, Khadur Sahib, District Tarn Taran vide which the petitioner has been declared proclaimed offender in FIR No.334 dated 28.08.2022, registered under Sections 304, 34 of IPC wherein the offences under Sections 302, 201 of IPC have been added later on by deleting the offence under Section 304 of IPC, at P.S. Goindwal Sahib, District Tarn Taran (Annexure P-1).

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the petitioner was initially not named in the FIR and he was not aware about the pendency of the case against him. He submits that the petitioner never received any proclamation or any process from the Court or the

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police to appear in the proceedings but had been declared as proclaimed offender vide order dated 15.07.2023 (Annexure P-4). He contends that even at that time, the bail application preferred by the petitioner under Section 438 Cr.P.C. was pending in the Court of learned Additional Sessions Judge, Tarn Taran, but the factum of the petitioner being declared as proclaimed offender, was not intimated by the Investigating Officer nor it finds reflected in the said order. After passing of the order dated 31.07.2023 (Annexure P-5) by the Court of learned Additional Sessions Judge, declining the bail application of the petitioner, the petitioner had preferred the petition before this Court for grant of anticipatory bail and only during the pendency thereof, the petitioner came to know that he was declared as proclaimed offender in the case. He submits that the petitioner is ready to face the trial.

3. Notice of motion.

4. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the petitioner has been declared as proclaimed offender in accordance with law. There is no infirmity in the said order and it has been passed in accordance with the provisions laid down under Section 82 Cr.P.C and as such prays for dismissal of the petition.

5. After arguing at some length, I am sensing that there is no infirmity in the impugned order, learned counsel for the petitioner has submitted that now the petitioner is ready to appear in the trial Court and

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prays that in the event of his surrendering and filing the application for bail before the learned trial Court, the same may be disposed of expeditiously in accordance with law and the instant petition be disposed of accordingly.

6. Considering the facts and circumstances of the case, without commenting on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner, the present petition is disposed of with direction to the petitioner to surrender before the trial Court within ten days from today and in the event of his surrendering and moving application for grant of bail, the trial Court is directed to dispose it of expeditiously in accordance with law preferably within a period of seven days thereof.

7. Disposed of.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

23.07.2024  
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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |