

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-34121-2023(O&M)
DECIDED ON: 15.04.2024**

SARABJIT SINGH @ JASSI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Daksh Prem Azad, AAG, Punjab.

Mr. Kanwarpal Singh, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 of Cr.P.C., for quashing the order dated 14.03.2023 passed by Ld. Judicial Magistrate 1st Class, Dasuya (Annexure P-7), in case FIR No. 41 dated 22.02.2015 under Sections 323, 325, 148, 149 and 120-B IPC registered at Police Station Tanda, Tehsil Dasuya, District Hoshiarpur (Annexure P-2) on the basis of compromise (Annexure P-8), whereby the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner contended that since the petitioner is living abroad, therefore, the service could not be effected on the premises and, therefore, the learned trial Court has wrongly declared the petitioner as P.O. in violation of Section 82 Cr.P.C.

Counsel for the petitioner at this stage undertakes that the petitioner will return back to India to surrender before the learned Trial Court within a period of one month from today.

Learned State counsel is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one month from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

The instant petition is disposed of in the aforesaid terms.

15.04.2024	(SANDEEP MOUDGIL)
Anjal	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>