

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

2024:PHHC:109034



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CRM-M-33379-2024 (O&M)

Date of Decision: 23.08.2024

Krishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sahil Vashishat, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

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SANDEEP MOUDGIL.J (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing the order dated 13.07.2023, passed by the Judicial Magistrate Ist Class, Ludhiana vide which the petitioner was declared a proclaimed offender in case FIR No.214 dated 6.9.2017 under Sections 21 of the Mines and Minerals (Development and Regulation) Act and Section 379 of the IPC, registered at Police Station, Meharban, Ludhiana.

2. Learned counsel for the petitioner would submit that despite information given at his end to the petitioner as well as to the counsel representing him in the Trial Court at Ludhiana, petitioner Krishan Singh has not surrendered before the Trial Court, as per directions of this Court.

3. In compliance to the order passed by this Court dated 31.07.2024, a report dated 21.08.2024 from the learned JMIC, Ludhiana has been received, which reads as under:-

“In reference to subject cited above, it is respectfully submitted that as per report of concerned Ahlmad and as per record, the accused/petitioner Krishan Singh did not surrender before this court within one week as per directions of Hon'ble High Court given vide order dated 31.07.2024 in CRM-M-33379 of 2024 (O&M) pertaining to FIR no.214 dated 06.09.2017 under Sections 379 of IPC and 21 of Mining and Minerals Act, P.S. Meharban, Ludhiana. The accused/petitioner also failed to produce any receipt regarding depositing of Rs.10,000/- as cost as directed by the Hon'ble Punjab & Haryana High Court in above said order.”

4. In view of above, it is abundantly clear that petitioner is evading the process of law and has shown least respect to the orders of this Court and the law of the land.

5. Hence, the order dated 31.07.2024 passed by this Court, is recalled and order dated 13.07.2023 passed by learned JMIC, Ludhiana shall remain in operation onwards.

6. Learned JMIC, Ludhiana will be at liberty to proceed in the matter further, as per law.

7. In view of the above, present petition is dismissed with cost of Rs.50,000/- to be deposited with the Trial Court as and when the petitioner is apprehended and produced in the court or otherwise surrenders at his own along with bail bonds and surety bonds to the satisfaction of learned JMIC, Ludhiana, if, situation so arises.

23.08.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No