



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.119

CRM-M-34057-2024

Date of decision : 19.07.2024

Jarmanjit Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate, for the petitioner.

Mr. J.S. Dhaliwal, AAG Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 05.05.2017 (Annexure P-4) vide which the petitioner has been declared as proclaimed person in FIR No.16 dated 29.01.2012, under Sections 323, 324, 325, 148, 149 of IPC registered at Police Station Beas, District Amritsar.

2. Learned counsel for the petitioner *inter alia* submits that the mandatory procedure prescribed under Section 82 of Cr.P.C. has not been duly followed and final report under Section 173(2) Cr.P.C. was presented on 16.09.2014 and the charges were framed on 13.11.2014. She also submits that petitioner was declared innocent during the initial and subsequent investigation. Thereafter, petitioner went to Malaysia on 17.08.2013 and remained there till 03.03.2022 and he only left India when his name was cleared from the present FIR. Subsequently the challan was presented and his name was kept in column no.2. However, when he was abroad, he was



summoned under Section 319 of Code of Criminal Procedure. On 04.07.2016, trial Court issued summons and bailable warrants against the petitioner for 23.08.2016. When the petitioner failed to appear, learned trial Court initiated proclamation proceedings against the petitioner vide order dated 05.04.2017 and on 05.05.2017, ld. trial Court declared the petitioner as proclaimed person. It is also submitted that a compromise has been effected between the parties (Annexure P-6). She further submits that vide order dated 04.12.2023 in CRM-M-58083-2023, proclamation order dated 27.03.2023 vide which the co-accused-Mukinderbir Singh was declared proclaimed offender was set aside and he was directed to surrender before the trial Court. Lastly, it is submitted that the final order and judgment has been pronounced in this case wherein two co-accused were found innocent and acquitted and one co-accused namely Surjit Singh has been convicted and imposed a fine of Rs.2000/-.

3. Notice of motion.

4. At asking of the Court, Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of respondent-State and waives service.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was abroad when the impugned proclamation proceedings were initiated on 05.04.2017 and subsequently vide 05.05.2017, he was declared as proclaimed offender. Moreover, the matter has been compromised between the complainant and the petitioner.

7. In view of the above and in the interest of justice, the present petition is allowed and order dated 05.05.2017 (Annexure P-4) is hereby set

aside/quashed subject to payment of cost of Rs.10,000/- by the petitioner to



be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh. The petitioner after depositing the cost as stated above would appear before the trial Court on 24.07.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.07.2024
Kavita Nain

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