



CRM-M-38477-2024

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

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CRM-M-38477-2024

Date of Decision : August 09, 2024

SURAJ SINGH ALIAS SURAJI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 528 of the B.N.S.S., the petitioner seeks quashing of the order dated 31.08.2015 (Annexure P-5), wherethrough, the learned Additional Sessions Judge, Jalandhar, has declared him a “Proclaimed Offender”, in case FIR No.33 dated 22.03.2014, under Sections 307, 323, 324, 341, 506, 326, 148 read with Section 149 of the IPC, registered at P.S. Kartarpur, District Jalandhar.

2. Although the learned counsel for the petitioner has herein challenged the impugned proclamation order (Annexure P-5), however, he could not cite any illegality or perversity therein. Therefore, the impugned proclamation order is hereby upheld.

3. At this stage, the learned counsel for the petitioner submits that, what led to drawing of the impugned proclamation order is that, the

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petitioner went to abroad to earn his livelihood, but, now he has realized his mistake and wants to return to India and join the trial court proceedings by making surrender. Moreover, on instructions imparted to him by the petitioner, he informs this Court that the petitioner is coming to India on 13.08.2024, and thereafter, he will surrender before the learned trial Court/Illaq Magistrate concerned upto 20.08.2024. However, he requests that the petitioner may kindly be granted adequate protection from his arrest, thereby enabling him to surrender before the learned trial Court/Illaq Magistrate concerned.

4. Be that as it may, considering the submissions made hereinabove and the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the petitioner is ready and willing to return to India and to surrender before the learned trial Court/Illaq Magistrate concerned, and that, the underlying object behind declaring any person a “Proclaimed Person/Offender” is to secure his presence for facing trial, therefore, this Court deems it appropriate to grant an opportunity to the petitioner to surrender before the learned trial Court/Illaq Magistrate concerned upto 20.08.2024. The arrest of the petitioner shall remain stayed only upto 20.08.2024 and he shall not be arrested at the Airport concerned, upon his arrival from abroad.

5. However, it is clarified that if the petitioner does not, in compliance of the intimation made to this Court by his counsel, surrender before the learned trial Court/Illaq Magistrate concerned upto the stipulated period, the protection regarding his arrest, as granted hereinabove, shall stand *ipso facto* vacated, without any further reference to

this Court.

6. It is also clariffied that the moment the petitioner surrenders, this order granting interim protection would cease to operate, and thereupon, the learned trial Court/Illaqa Magistrate concerned shall take appropriate action warranted under law.

7. Disposed of accordingly.

August 09, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No