



CRM-M-43243-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43243-2023 (O&M)

Date of Decision : October 01, 2024

JARNAIL SINGH

-PETITIONER

V/S

CENTRAL BUREAU OF INVESTIGATION

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.Mr. Deepak Sabherwal, Advocate
for the respondent.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the order dated 18.07.2012 (Annexure P-3), where through, the learned Special Judge, C.B.I. Punjab, District Patiala, has declared him a "Proclaimed Offender", in case FIR RC No. RCCHG2004A0008 dated 31.03.2004, under Section 120-B read with 420, 467, 468, 471 of the IPC, and, Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, registered at P.S. SPE/CBI, ACB, Chandigarh.

2. Record reveals that, consequent upon the learned Special Judge concerned granting the concession of regular bail, on 20.02.2006, to the petitioner, when the latter absented himself from the trial court proceedings, it resulted in initiation of proclamation proceedings against him and finally, vide the impugned order dated 18.07.2012 (Annexure P-3), he has been declared a



“Proclaimed Offender”.

3. Although the learned counsel for the petitioner has herein challenged the impugned proclamation order (Annexure P-3), however, he could not cite any illegality or perversity therein. Therefore, the impugned proclamation order is hereby upheld.

4. At this stage, the learned counsel for the petitioner submits that, what led to drawing of the impugned proclamation order is that, the petitioner went to abroad for earning livelihood and for better future prospects, but, now he has realized his mistake and he 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 13.11.2024, and that, he will surrender before the learned trial Court/Illaq Magistrate concerned within 10 days thereafter, and that, he will file his regular bail application there. 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.

5. The learned counsel for the petitioner also submits that, the petitioner’s co-accused, who faced trial, were although convicted by the learned trial Court concerned, vide vide of conviction dated 12.01.2015, however, the appeal(s) preferred thereagainst by them, was allowed by this Court vide verdict dated 23.05.2022 and they earned acquittal.

6. 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/Illaqa Magistrate concerned upto 23.11.2024. The arrest of the petitioner shall remain stayed only upto 23.11.2024 and he shall not be arrested at the Airport concerned, upon his arrival from abroad.

7. 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/Illaqa 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.

8. 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. Moreover, in case the petitioner files any regular bail application, the learned trial Court concerned shall decide the same, without getting influenced by any of the observations recorded in this order.

9. The instant petition is disposed of accordingly.

10. Pending application(s) also stand disposed of accordingly.

October 01, 2024
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(KULDEEP TIWARI)
JUDGE

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