

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

CRM-M-42182-2023
Date of decision: 16.04.2024

Baljinder Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. H.S. Sidhu, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Manish Beniwal, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 11.04.2009 (Annexure P-3) passed by the COURT of Judicial Magistrate Ist Class Patti District Tarn Taran wherein the petitioner was declared as proclaimed offender in criminal case having FIR No.70 dated 23.08.2008 under Section 420/467/468/471/120 of IPC, Police Station Harike, District Tarn Taran (Annexure P-1).

2. Counsel for the petitioner inter alia submits that at the relevant time when the alleged occurrence took place and when the proceedings under Section 82 Cr.P.C. were initiated against the petitioner, he was not available in India and was away to USA. It is further submitted that no notice/summon/warrants issued by the Court concerned were received by the petitioner through Indian Embassy in USA with regard to pendency of the aforesaid criminal case. Counsel for the petitioner further submits that

now the matter has been compromise between the parties and FIR Annexure P-1 has been quashed by this Court vide order of even date.

3. The State counsel has not refuted the fact that FIR Annexure P-1 is already quashed by this Court.

4. Admittedly, impugned order Annexure P-3 is offshoot of FIR Annexure P-1 which is already quashed by this Court. Even otherwise, it appears that the impugned order is not passed in consonance with the mandate of Section 82 Cr.P.C.

5. For the forgoing reasons, the present petition is allowed and impugned order Annexure P-3 is hereby set aside.

16.04.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No