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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43316-2024

DATE OF DECISION: 04.09.2024

TARJINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Simble, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 12.03.2012 (Annexure P-5) passed by JMIC Batala, in FIR No. 53 dated 23.07.2004 under Sections 323/324/148/149 IPC 1860 (Section 326 IPC added later on) (Annexure P-1) registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur vide which the present petitioner was declared as Proclaimed Offender.

Learned counsel for the petitioner submits the impugned order passed by the Trial Court in haste manner and is bad in the eyes of law as the petitioner was never aware about the fact that PO proceedings are pending against him and even the petitioner was not in India when the impugned order was passed as he went to abroad on 15.05.2021 and since then he is residing in United Kingdom. He further submits that the matter was already compromised between the parties.

Learned counsel for the petitioner on instructions from his client submit that the petitioner will surrender before the trial Court



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and shall join the trial proceedings without any delay or default in future. He further submits that within one month the petitioner will come in India to settle this matter.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and in view of the compromise entered into between the parties, and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one month from today and apply for regular bail.

In case, such an application for bail is to be moved by the petitioner before the trial Court, the same shall be considered preferably on the same date and to be decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

04.09.2024*anuradha**Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*