

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

**CRM-M No. 49847 of 2023 (O&M)
Date of Decision: 10.01.2024**

Surjeet Singh
..... Petitioner

Versus

State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nandan Jindal, Advocate
Mr. Tushar Sabherwal, Advocate and
Mr. Abhinandan Jindal, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

Mr. Priyanshu Kamra, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 31.03.2016 (Annexure P-4) passed by learned JMIC, Jagraon, whereby he was declared as proclaimed offender in case FIR No. 210 dated 26.08.2008, under Sections 323, 325, 341 & 34 of IPC, registered at Police Station Jagraon, District Ludhiana.

[2] Learned counsel for the petitioner submits that having been granted concession of anticipatory bail, the petitioner joined investigation and thereafter left for Austraila on study Visa. Later on, the petitioner returned back and surrendered himself before the trial Court on 01.04.2015 and was granted regular bail vide order dated 06.06.2015 (Annexure P-2) passed by learned JMIC, Jagraon. Thereafter, on account of unfortunate miscarriage of his wife, the petitioner had no option but to

return to Australia in January 2016. On account of his absence from the trial Court, he was declared as proclaimed offender vide order dated 31.03.2016 (Annexure P-4) even without following the mandatory compliance of Section 82 read with Section 105 of Cr.P.C.

[3] On the other hand, prayer has been opposed at the instance of learned State Counsel as well as learned counsel for the complainant, while submitting that despite having knowledge about the pendency of proceedings against him, the petitioner chose not to appear before the trial Court and thus, the impugned order warrants no interference.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] A perusal of the record shows that the petitioner reached Australia on 07.01.2016 and thereafter came back on 22.10.2023. The petitioner being residing abroad, proclamation having been initiated in India was not in consonance with the provisions of Section 82 read with Section 105 Cr.P.C. and thus, the petitioner could not have been declared as proclaimed offender. Moreover, in pursuance of the order dated 03.10.2023, the petitioner has surrendered before the trial Court on 30.10.2023 and since then he is facing trial on each and every date.

[6] In view of the above, the order dated 31.03.2016 (P-4) passed by learned JMIC, Jagraon, declaring the petitioner as proclaimed offender is set aside, though subject to furnishing of bond / bank guarantee in a sum of Rs.10 lakhs before the trial Court concerned alongwith attested copy of his latest passport. Considering the fact that FIR relates to the

year 2008, the trial Court is requested to conclude the proceedings as expeditiously as possible.

[7] **Disposed off.**

January 10, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>