



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-53942-2022 (O&M)

Date of Decision: 28.08.2024

Gurdev Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Angad Parmar, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 11 dated 26.07.2013 (Annexure P-1) under Section 406 and 498-A IPC registered at Police Station N.R.I., District Kapurthala and all subsequent proceedings arising therefrom including order dated 09.02.2016 (Annexure P-8) passed by learned Additional Chief Judicial Magistrate, Kapurthala whereby the petitioner has been declared as proclaimed offender.

On 08.12.2022, following order was passed by a Coordinate Bench of this Court:-

“Although, two fold prayers have been made in the petition, but after addressing for some time, counsel for the petitioner does not press the prayer, whereby he has sought quashing of the FIR, Annexure P-1.



*He has challenged the order, Annexure P-8, whereby the petitioner has been declared as a proclaimed person by urging that proclamation was effected on 09.11.2015, a mere ten days before the proceedings were fixed before the Trial Court. He submits that the mandatory period of thirty days, as stipulated in Section 82 of the Code, had not lapsed and the Trial Court in order to get over this lacuna, adjourned the matter to 09.02.2016 when the impugned order was passed. Reliance has been placed by him upon a judgment of a Co-ordinate Bench in **Ashok Kumar Versus State of Haryana and another 2013(4) R.C.R. (Criminal) 550.***

Before the petitioner is directed to surrender before the Trial Court and join the proceedings, let the counsel get instructions as to when the petitioner, who is a resident of USA, is coming to India and produce the air tickets.

List on 19.12.2022.”

Subsequently, learned counsel for the petitioner submits that as such the limited prayer of the petitioner was for quashing of order dated 09.02.2016 (Annexure P-8) whereby the petitioner was declared as a proclaimed person. Subsequently, vide order dated 12.07.2023, this Court had directed the petitioner to “*surrender before the learned trial Court concerned within a period of one week from today.*”

Learned counsel for the State, on instructions from Inspector Rupinder Singh, informs this Court that in compliance of the said order dated 12.07.2023, the petitioner had surrendered before the learned Additional Chief Judicial Magistrate, Kapurthala on 17.07.2023. Copy of the said order has been handed over in Court today, which is taken on



record.

Learned counsel for the petitioner submits that thereafter the petitioner is appearing before the learned trial Court on every date of hearing.

In view of the above, nothing survives in the present petition and same is disposed of.

Pending application, if any, stands disposed of.

28.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No