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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50372-2024
DATE OF DECISION: 14.10.2024

GURDEEP SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sarju Puri, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of BNSS, 2023 to quash the impugned order dated 08.01.2014 (Annexure P-1), passed by the JMIC, SBS Nagar, whereby the petitioner has been erroneously declared a proclaimed offender, during the trial in case bearing FIR No.41 dated 25.06.2011 (Annexure P-3), registered under Section 411 IPC at Police Station City Banga, District SBS Nagar, being illegal and in derogation to the provisions of Section 82/83 CrPC and the settled law on the point and further keeping in view the fact that the petitioner already stands acquitted in the main FIR No.72 dated 22.06.2011, under Section 382 IPC, registered at Police Station Sadar Banga, District SBS Nagar, which was registered in respect of the same occurrence vide judgment dated 02.01.2015 (Annexure P-2) and that even in the present FIR No.41 dated 5.06.2011, the co-accused of the petitioner namely Jaskaran



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Singh stands discharged of the charge against him on the basis of the compounding of the offence sought for by the complainant Kamlesh Rani vide order dated 11.07.2014 (Annexure P-5), passed by the Judicial Magistrate 1st Class, SBS Nagar.

It is submitted by counsel for the petitioner that the petitioner already stands acquitted in the previously registered main FIR No.72 dated 22.06.2011, under Section 382 IPC, registered at Police Station Sadar Banga, District SBS Nagar, vide judgment dated 02.01.2015 (Annexure P-2) and that even in the present FIR No.41 dated 25.06.2011, the co-accused of the petitioner namely Jaskaran Singh stands discharged of the charge framed against him on the basis of the compounding of the offence sought for by the complainant Kamlesh Rani vide order dated 11.07.2014 (Annexure P-3), passed by the Judicial Magistrate 1st Class, SBS Nagar.

Learned counsel for the petitioner has argued that co-accused Jaskaran Singh already stands acquitted of the charges framed against him vide order dated 11.07.2014 (Annexure P-5) and the petitioner in the said proceedings was also one of the co-accused, thus, no fruitful purpose would be served by keeping the trial proceedings pending, as present petitioner would facilitate in furtherance of the trial and would bring it to a logical conclusion which is pending since 2011.

However, the petitioner at the outset undertakes that he will surrender before the Trial Court within two weeks and join the trial proceedings. This Court would be considerate in light of the



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above observations and hence, direct the quashing of the impugned order dated 08.01.2014 (Annexure P-1). The afore-said relief would be subject to petitioner surrender before the Trial Court as undertaken i.e. within two weeks from today and deposit of cost of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerk Association which shall not be considered as a cost against the afore-said relief but a token of penalty for delay caused by him to the judicial proceedings before the Trial Court.

The receipt of the same shall be produced before the Trial Court at the time of surrender and it is further clarified that in case any application for regular bail is filed at the time of surrender, the same may be decided in accordance with law.

The instant petition stands disposed of in the afore-said terms.

(SANDEEP MOUDGIL)
JUDGE

14.10.2024
anuradha

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