



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

CRM-M-50683-2024

Date of Decision : 15.10.2024

RAVINDER SINGH @ KAKA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANTOHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Om Malhan, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition preferred under Section 528 of the BNSS, 2023, challenge is thrown to the order dated 01.08.2024 (Annexure P-11), passed by the learned JMIC, Jalandhar, whereby, the petitioner has been declared as a proclaimed person in case FIR No.165, dated 12.07.2018, under Sections 323, 324 and 34 of the IPC (Section 326 IPC added later on), registered at Police Station Rama Mandi, District Police Commissionerate, Jalandhar (Annexure P-1). He further prays for staying the operation of impugned order.

2. In asking for the relief (*supra*), learned counsel for the petitioner, though has made endeavour to challenge the legality of the impugned order by placing reliance upon a judgement passed by a co-ordinate bench of this Court, which annexed as Annexure P-14, to submits that since the meticulous compliance of Section 82 Cr.P.C. has

not been made by the learned trial court concerned, however, finding that he is unable to point out any illegality in the impugned order, he made a request that the petitioner is ready and willing to surrender before the learned trial court concerned, and to face the trial, in case an adequate protection is granted to him.

3. He further submits that the matter has now been amicably settled between the parties concerned, and for that he placed reliance upon a compromise deed dated 23.05.2024 (Annexure P-13).

4. He further submits that in the instant matter, the petitioner was earlier granted the relief of anticipatory bail, and thereupon, he was regularly appearing before the learned trial court concerned. However, in order to earn better prospects in life, the petitioner went abroad, and only because of this reason, the petitioner did cause appearance before the learned trial court concerned, which led the latter to declare him as a proclaimed person.

5. On the other hand, learned State counsel opposed the grant of relief (*supra*), to the present petitioner.

6. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

7. This Court finds the second prayer as, made by learned counsel for the petitioner, innocuous and *bona fide*, therefore, without going into the legality or illegality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned on or before 15.12.2024.

8. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and moves a regular bail application, the latter shall make all its endeavours to decide the same, on its own merits, in accordance with law, after giving adequate opportunity of hearing to the parties concerned.

9. In the meanwhile, the arrest of the petitioner shall remain stayed. It is also directed that the petitioner shall not be arrested at the airport on his arrival in India.

10. However, in case, the petitioner fails to surrender before the learned trial Court concerned within the stipulated time, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without further reference to this Court.

11. **Disposed of accordingly.**

October 15, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No