



CRM-M-51094-2024

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

CRM-M-51094-2024

Date of Decision: 18.10.2024

Malvinder Singh Lally @ Malwinder Singh Petitioner

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Kalsi, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 28.10.2015, passed by learned JMIC, Phillaur in Criminal Complaint Number 50/1/2014, dated 28.04.2014 titled as Iqbal Singh vs. Baljinder Kaur and others, under Sections 406, 420, 120-B IPC, whereby, the petitioner has been declared as proclaimed offender.

2. It has been submitted by learned counsel for the petitioner that the dispute in the complaint is totally matrimonial, which was duly compromised and thereafter, the petitioner went abroad. He submits that after having been compromised the matter, the petitioner was declared proclaimed offender in the complaint case. He submits that the petitioner is returning to India on 22.10.2024 and he is ready to appear before the trial Court and join the proceedings. He has submitted that thus, in the facts and circumstances, the impugned order dated 28.10.2015, deserves to be set aside.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State. He has submitted the petitioner was rightly declared

proclaimed person, as he failed to appear before the trial Court.

5. After hearing learned counsel for the parties and perusing the record, it is evident that petitioner was declared as proclaimed person due to his non-appearance before the trial Court. As stated before this Court, the dispute being matrimonial, has already been compromised and the petitioner is returning to India on 22.10.2024 and ready to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the order dated 28.10.2015 is set aside.

6. The petitioner is directed to appear before the trial Court within a period of seven days from the date of his arrival in India and file an appropriate application for bail before the trial Court and the trial Court would decide the same expeditiously preferably within a period of three days from the date of its filing as per law. The petitioner will have protection from arrest for a period of seven days from the date of his arrival in India.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force.

8. Petition stands disposed of.

18.10.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No