

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59286-2023
DECIDED ON: 25.01.2024

DIDAR SINGH
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pawan Attri, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of FIR No.253, dated 15.09.2010, under Sections 323, 365, 506, 34 IPC, registered at Police Station Pehowa, District Kurukshetra (Annexure P-2) and the impugned order dated 17.03.2016 (Annexure P-5), as well as other subsequent proceedings arising therefrom.

Learned counsel for the petitioner contends that in the instant case, during the course of trial, out of total four accused persons, three have already been acquitted vide judgment of acquittal dated 17.01.2017 (Annexure P-6). It is also asserted on behalf of the petitioner that warrants of arrest were never served upon the petitioner by the trial Court, however, vide order dated 11.12.2015 (Annexure P-4), proclamation was issued against him and lastly on 17.03.2016 (Annexure P-5), the petitioner was declared as proclaimed person. He further contends that though the other three accused persons have been acquitted by the trial Court but the petitioner has to face trial, who has not yet surrendered before the trial Court even

after his being declared as proclaimed person vide order dated 17.03.2016 (Annexure P-5).

Learned counsel for the petitioner undertakes before this Court that the petitioner will return back to India, as he is residing abroad (Portugal) within a period of one month from today and will surrender before the Court on or before 28.02.2024.

In view of the statement made by learned counsel for the petitioner, the present petition is disposed of subject to the aforesaid condition and in case, the petitioner surrenders before the trial Court within the aforesaid stipulated time and moves an application for seeking bail, the same shall be considered and decided expeditiously in accordance with law.

However, it is made clear that till the petitioner surrenders before the trial Court, the order dated 17.03.2016 (Annexure P-5) shall be kept in abeyance till 28.02.2024.

25.01.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>