



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

CRM-M-55208-2024

Date of Decision : 06.11.2024

GURLEEN SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. A.P.S.Tung, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition preferred under Section 528 of the BNSS, 2023, the petitioner seeks quashing of case FIR no.51, dated 23.03.2018, registered under Sections 25/54/59 and 27/54/59 of the Arms Act, and under Section 188 IPC, at Police Station Ismailabad, District Kurukshetra (Annexure P-1), and all other consequential proceedings arising therefrom, including order dated 31.03.2022 (Annexure P-4), whereby, the petitioner has been declared as a proclaimed offender. He further prays for staying the operation of impugned order.

2. Learned counsel for the petitioner, in asking for the relief (*supra*), submits that the petitioner was earlier granted the relief of regular 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 offender, vide the impugned order (*supra*).

3. He further submits that the petitioner is willing to come back to India, and is ready to surrender before the learned trial court concerned, and to face the trial, in case an adequate protection is granted to him.

4. He, in addition, submits that all the co-accused of the present petitioner have been acquitted by the learned trial court concerned, vide judgement dated 16.05.2024 (Annexure P-5).

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 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 (*supra*), this Court directs the petitioner to surrender before the learned trial Court concerned on or before 21.12.2024.

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 the same day, 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.

November 06, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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