

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

294

CRM-M-60461-2023

Date of decision: 08.01.2024

Gurmej Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishva Bahl, Advocate
for the petitioners.

Mr. A.P.S. Tung, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking quashing of order dated 27.04.2017 passed by learned Additional Sessions Judge, Amritsar whereby they have been declared as proclaimed offenders, and all consequential proceedings arising out of case FIR No.0019 dated 13.02.2012 under Sections 307, 452, 427, 148, 149, 188 and 379 of the IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Bhindi Saidan, District Amritsar.

2. Learned counsel for the petitioners inter alia contends that the petitioners were initially extended the concession of interim anticipatory bail by this Court vide order dated 06.06.2017 in CRM-M No.21175 of 2017, which was subsequently confirmed vide order dated 29.01.2018. Learned counsel, in support, has drawn the attention of this Court to Annexure P-3 and P-4. While drawing the attention of this Court to Annexure P-5, it has been further submitted that it was also a matter of record that the petitioners had thereafter, entered into a

compromise with the complainant as well as the injured victim, and had subsequently filed for quashing of the said FIR on the basis of the compromise so effected between them. It has been further submitted that pursuant to the order dated 25.08.2023 passed in CRM-M No.42282 of 2023, the petitioners appeared before the learned trial Court for getting their statements recorded. However, as per the report received from learned Additional Sessions Judge, Amritsar, it came to the fore that the petitioners had been declared proclaimed offenders vide order dated 27.04.2017, which order was neither challenged by the petitioners nor quashed by any Court of law. Learned counsel has thus, submitted that the order dated 27.04.2017 was liable to be quashed as the petitioners had been regularly appearing before the learned trial Court, and even otherwise, it was a matter of record that the parties had effected an amicable settlement between themselves.

3. Learned State counsel, on instructions from ASI Gurjit Singh, has not disputed the aforesaid submissions made by learned counsel for the petitioners.

4. In the facts and circumstances of the case, the instant petition is allowed and the impugned order dated 27.04.2017 is hereby set aside.

08.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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