



CRM-M-62083-2024

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

CRM-M-62083-2024

Date of Decision: December 16, 2024

Amarjit Singh @ Bagga

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Abhilaksh Grover Advocate with
Ms.Sarita, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. At the outset it has been submitted by learned counsel for the petitioner that inadvertently in the memo of parties 'State of Haryana' has been mentioned instead of 'State of Punjab'. He prays that he may be allowed to file corrected/amended memo of parties.

2. Allowed to do so. Let connected/amended memo of parties be filed today itself.

3. Prayer in the present petition is for quashing of impugned order, dated 07.05.2013, Annexure P-4, in case No.SC-29576/2013 passed by learned Sub Divisional Judicial Magistrate, Jalandhar, vide which the petitioner has been declared as proclaimed offender in FIR No.234, dated 09.10.2011, under Sections 307, 120-B, 458 IPC and Section 27 of the Arms Act, registered at Police Station Nakodar, District Jalandhar. It is further prayed that during pendency of the present petition, operation of the



impugned order, dated 07.05.2013 be stayed.

4. It has been fairly submitted by learned counsel for the petitioner that this is the 5th petition praying for quashing of above-said impugned order, dated 07.05.2013 by virtue of which the petitioner was declared P.O. He submits that since beginning of the case, the petitioner was in U.K. and he was declared P.O. in his absence. He further submits that now the petitioner is in India and he is keen to join the proceedings. It is further submitted that co-accused of the petitioner has already been acquitted by learned trial Court vide order dated 23.02.2018 passed by learned Additional Sessions Judge, Jalandhar.

5. Notice of motion to official respondent only.

6. On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State. He has opposed the contentions raised by learned counsel for the petitioner.

7. Heard.

8. After hearing learned counsel for the parties and going through the facts, it is apparent that petitioner was in U.K since 1995. and he was declared P.O. in his absence. Co-accused of the petitioner have already been acquitted by learned trial Court vide order dated 23.02.2018 passed by learned Additional Sessions Judge, Jalandhar. However, as he is in India and is ready to face the trial, this Court deems it appropriate to grant him one opportunity to surrender before the trial Court and face the trial.

9. Hence, the present petition is allowed. Order dated 07.05.2013 is set aside subject to payment of Rs.25,000/- as costs to be deposited with

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Chandigarh, within a period of one week from today. The petitioner is directed to appear before the trial Court within a period of ten days from today and if he does so and files an application for bail alongwith receipt of abovesaid costs within the stipulated period, the Court concerned would admit him to bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. He will have protection from arrest for a period of ten days from today. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 07.05.2013 would come in force and the present petition would be deemed to have been dismissed.

December 16, 2024

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**(RAJESH BHARDWAJ)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |