



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

117

CRM-M-62561-2024

Date of Decision : 16.12.2024

DARSHAN SINGH ALIAS DARSHI SINGH ..PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S. Saini, Advocate for
Mr. N.S. Pawar, Advocate the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 BNNS for quashing of the impugned order dated 11.07.2014 (Annexure/P-2) passed by SDJM, Payal (Ludhiana) whereby petitioner has been declared proclaimed offender in violation of the provisions of Section 82 of Cr.P.C. in FIR No. 206 dated 19.07.2007, Under Sections 452, 323, 356, 427, 148, 149 IPC, registered at P.S.-Payal, District-Ludhiana, (Annexure/P-1) and also quashing all subsequent proceeding arising therefrom as well as FIR No. 206 dated 19.07.2007, Under Sections 452, 323, 356, 427, 148, 149 IPC, registered at P.S.-Payal, District-Ludhiana, (Annexure/P-1), particularly keeping in view of the fact that said FIR stands already quashed by this Court qua other co-accused vide order dated 12.11.2014 (Annexure/P-4) on the basis of compromise dated 20.08.2014 (Annexure/P-3).



Learned counsel for the petitioner submits that the FIR has already been quashed qua the other co-accused persons vide order dated 12.12.2014 passed in CRM-M-30297-2014. He further submits that there are strong probability of petitioner earning acquittal like that of other co-accused and therefore, it would be a futile exercise to delay the trial proceedings wherein the petitioner has been declared PO. He contends that the petitioner was facing trial in the FIR regularly, however, in order to earn his livelihood had gone to Canada in the year 2014.

Therefore, under such circumstances he could not attend the trial court proceedings and was declared as Proclaimed offender though his absence was neither intentional nor deliberate but due to reasons beyond his control. He informs the Court that the petitioner is coming back to India on 01.01.2025 and undertakes that he will surrender before the trial Court to join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week of his



arrival to India, i.e. on or before 07.01.2025 and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of \$ 7000 Canadian Dollar to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

16.12.2024
anuradha

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