



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

135

**CRM-M-65071-2024
Decided on : 07.01.2025**

Sukhwinder Singh Dhaliwal

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vinay Kumar Gupta, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. On the very outset, learned counsel for the petitioner submits that instead of the impugned order dated 15.02.2017, inadvertently, subsequent order dated 16.03.2021, passed by the learned Trial Court, having reference of the proclaimed offender order dated 15.02.2017, has been appended with the present petition. Therefore, he produces the certified copy of order dated 15.02.2017 and prays for placing the same on record.

2. Request is accepted. Accordingly, order dated 15.02.2017, which in fact, has been impugned in the present petition, is taken on record as Annexure P-2. Registry to tag the same at appropriate place.

3. By way of present petition filed under Section 528 of the BNSS, 2023, petitioner is seeking quashing of order dated 15.02.2017 (Annexure P-2), passed by the learned Judicial Magistrate Ist Class (JMIC), Moga, vide which the petitioner has been declared as proclaimed offender in case FIR No.106, dated 03.11.2014, under Sections 420, 120-B of IPC, registered at Police Station Mehna, Distt. Moga (Annexure P-1), on the basis of settlement/compromise-deed dated 12.07.2021 (Annexure P-3). Besides,

petitioner is also seeking quashing of FIR No.106, dated 03.11.2014, on the basis of settlement/compromise deed dated 12.07.2021 (Annexure P-3).

4. For the time being, counsel for the petitioner seeks withdrawal of the second prayer to enable him to file a joint petition with the co-accused, as a separate petition.

5. Permitted to do so.

6. For the purpose of declaring the petitioner as proclaimed person, counsel for the petitioner submits that the dispute between the parties is a money dispute and is of civil nature, and same has now been resolved by way of amicable settlement. He also informs the Court that there were total five accused and three of them i.e. accused No.1 - Nitika Nayar, accused No.2 - Amarjit Singh and accused No.5 - Daljit Kaur, have already been acquitted by the Trial Court. Accused No.3 - Parminder Singh is confined in jail in some other case. After arriving at the compromise, present petition has been filed by the petitioner for seeking quashing of the proceedings on the basis of settlement/compromise-deed dated 12.07.2021 (P-3).

7. Notice of motion.

8. On asking of the Court, Mr. Amandeep S. Samra, AAG, Punjab, who is present in the Court, accepts notice for respondent No.1 – State.

9. At this stage, Mr. Gurdarshan Singh Sidhu, Advocate, puts in appearance on behalf of respondent No.2 and files his memo of appearance, which is taken on record, subject to all just exceptions.

10. Learned State counsel expresses his ignorance regarding the submission made in the present petition *qua* compromise.

11. After hearing learned counsel for the parties and going through the averments made in the present petition, I am of the view that the prime object of the Court is to satisfy the grievances of the parties before it, within

minimum possible time period.

12. As stated by learned counsel for the petitioner, dispute has already been resolved, which in fact, as per him was of civil in nature, and therefore, arresting him now in pursuance to the order dated 15.02.2017 (P-2), declaring proclaimed person, would not serve any purpose. In this situation, it would be apt to accept the request of the petitioner to allow him to appear before the concerned Court and then enable him to take appropriate steps in regard to quashing of the proceedings, if at all, permitted under the law.

13. Therefore, while allowing the prayer made in the present petition, petitioner is directed to appear before the learned JMIC, Moga, on or before 18.01.2025. On his appearance, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the learned JMIC/Trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

14. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 15.02.2017 (P-2) would become inoperative *qua* the petitioner and would be deemed to be set-aside to the extent of declaring him proclaimed person.

15. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

January 07, 2025

J.Ram

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