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Sukhdev Singh Vs State of Punjab

Crl. Misc. M-2276 of 2014

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 15, 2014

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 319, 482#Penal Code, 1860 (IPC) â€" Section 186, 34, 379, 427, 447

Hon'ble Judges: Rekha Mittal, J

Bench: Single Bench

Advocate: Vivek Goel, Advocate for the Appellant; Neeraj Sharma, AAG, Punjab, Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Rekha Mittal, J.
The petitioners have approached this Court by invoking Section 482 of the Code of Criminal Procedure (in short

Cr.P.C."") for quashing FIR No. 44 dated 7.6.2005 for offence under Sections 447, 427 of the Indian Penal Code (in short ""IPC"") (Sections 379,

506 and 186 IPC deleted later), Registered at Police Station Badhni Kalan Moga, District Moga (Annexure P-1), orders dated 23.11.2011 and

6.1.2012 (Annexures P-3 and P-4, respectively) and proceedings emanating therefrom.

2. On January 27, 2014, the order passed by this Court reads as follows:-

Through the present petition, the petitioners have prayed for quashing of FIR No. 44 dated 7.6.2005 for offence punishable under Sections 447,

427 of the Indian Penal Code (in short ""IPC"") (Sections 379, 506 and 186 IPC deleted later), registered at Police Station Badhni Kalan Moga,

District Moga with further prayer for setting aside orders dated 23.11.2011 and 6.1.2012 (Annexures P3 and P4, respectively).

The petitioners confine their prayer for laying challenge to orders dated 23.11.2011 and 06.01.2012 (Annexure P3 and Annexure P4,

respectively), whereby the petitioners have been declared as proclaimed offenders.

Counsel for the petitioners would contend that the petitioners have been declared innocent during investigation, but later they were summoned to

face trial for offence punishable under Sections 447 and 427 read with Section 34 of the Indian Penal Code, in exercise of jurisdiction u/s 319 of

the Code of Criminal Procedure, vide order dated 15.07.2011. It is further submitted that the petitioners were not in India from July 2011

onwards till December 2013 and January 2014 respectively and they have been declared as proclaimed offenders during their absence from India.

It is further submitted that the co-accused in the case has already been acquitted by the trial court, vide judgment dated 25.09.2013 (Annexure

P9).

Notice of motion for 11.02.2014.

In the meantime, the petitioners shall surrender before the trial court concerned within 10 days and the trial court release them on bail on their

furnishing bail bonds to its satisfaction subject to the conditions to be imposed by the Court.

To be heard with CRM-M-40805 of 2013.

3. Counsel for the petitioners contends that in pursuance of order dated January 27, 2014, the petitioners surrendered before the Court of Sub

Divisional Judicial Magistrate, Nihal Singh Wala and were released on bail on 4.2.2014. It is further submitted that the petitioners would attend to

the proceedings before the trial court without any default.

4. Reply by way of affidavit of Baljit Singh, Deputy Superintendent of Police, Nihal Singh Wala, District Moga, on behalf of respondent No. 1,

filed in court, is taken on record.

5. Counsel for the State of Punjab has not made any submissions to controvert the averments set up in the petition and arguments advanced by

counsel for the petitioners.

6. In view of the above, the petition is partly allowed. Orders dated 23.11.2011 and 6.1.2012 passed by the trial court declaring the petitioners as

proclaimed offenders are be set aside.

7. Petition stands disposed of accordingly.