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

CRM-M-8990-2025

Date of decision : 18.02.2025

Vipandeep Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sahil Soi, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of the P.O. order dated 13.09.2017 passed in Complaint Case No.COMI/21/2016 dated 13.05.2016 titled as *Hardeep Singh Vs. Sukhjinder Singh @ Sabi and others* under Sections 307, 336, 427, 365, 382, 323, 324, 34 of IPC and Sections 25, 54 of Arms Act, 1959 passed by JMIC, Nakodar as the same has been passed in violation of Section 82(1) Cr.P.C.

2. It has been submitted by counsel for the petitioner that petitioner was prosecuted in the complaint under Sections 307, 336, 427, 365, 382, 323, 324, 34 of IPC and Sections 25, 54, 59 of Arms Act. He submits that though the petitioner is living abroad however, learned trial Court vide order dated 26.08.2022 dismissed the complaint filed by the respondent-complainant and discharged all the accused. It is submitted that during the pendency of the complaint, petitioner was declared as Proclaimed Offender and the same is evident from the order dated 26.08.2022 passed by learned trial Court. He submits that as there was a compromise between both



the sides, hence, the complainant did not lead his evidence during pre-charge evidence and therefore, the complaint was dismissed. He submits that the impugned order declaring the petitioner as proclaimed offender in the facts and circumstances of the case is nothing but an abuse of the process of the Court as by virtue of the compromise no inter se dispute remains between the parties. He submits that the complainant has also no objection if the impugned order is quashed as the compromise has been arrived at between the parties. He thus, submits that now petitioner is ready and willing to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to the respondents.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab accepts notice on behalf of the respondent-State. Mr. Amit Dhawan, Advocate accepts notice on behalf of respondent No.2 and has endorsed the submissions made by counsel for the petitioner. He submits that the matter was compromised way back on 22.02.2020. He submits that he has no objection if the impugned order declaring the petitioner as Proclaimed Offender is set aside.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed offender who remained absent from the Court without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is deciphered that petitioner was prosecuted along with the co-accused in the complaint. Though petitioner was declared as Proclaimed Offender however, the matter was compromised by both the sides. Learned counsel for the complainant has affirmed the factum of compromise between the parties and has stated that complainant has no objection if the impugned order declaring



the petitioner as proclaimed offender is set aside and he has no grudge against the petitioner.

7. As the matter has been settled between the parties and the complainant is not inclined to take any action against the petitioner and is fully satisfied with the settlement arrived at between the parties so, keeping the P.O. order dated 13.09.2017 alive does not serve any purpose as the root cause of the grievance of the complainant i.e. the main complaint has already been dismissed and the matter being settled, complainant has no grievance against the petitioner. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 13.09.2017 declaring the petitioner as proclaimed offender is *set aside* subject to payment of Rs.25,000/- as costs to be deposited with the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh within a period of 10 days from today. The petitioner is directed to file receipt regarding payment of costs with the Registry of this Court within a period of 15 days from today. Consequently, the present petition is disposed of and the order dated 13.09.2017 passed in Complaint Case No.COMI/21/2016 vide which petitioner was declared as Proclaimed Offender is set aside subject to deposit of costs as stated above.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of this order and the order under challenge would stand automatically revived and the present petition shall be deemed to have been dismissed.

Disposed of in above terms.

18.02.2025
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No