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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Misc. No. 3925-M of 2008**

Date of decision : February 29, 2008

**Harbans Singh Gill**

**.....Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. Puneesh Jindia, Advocate for the petitioner.

Mr. Anter Singh Brar, Deputy Advocate General, Punjab.

**RAJESH BINDAL J.**

The prayer made in this petition filed under Section 482 of the Code of Criminal Procedure ( for short “the Code”) is for quashing of order dated October 20, 2007 passed by learned Additional Sessions Judge, Barnala whereby revision petition preferred by the petitioner has been dismissed.

Briefly the facts, as stated in the petition, are that petitioner is Non Resident Indian and is a citizen of Canada. He is working as Supervisor in Government of Colombia for the last 32 years. In the month of October, 2006, petitioner received information regarding registration of FIR bearing No. 98 dated November 20, 2001 under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Bhadaur, Police District Barnala against him. Petitioner was declared proclaimed offender in the aforesaid FIR vide order dated July 1, 2003 passed by the Judicial Magistrate Ist Class, Barnala. Petitioner approached this Court by way of Criminal Misc. No. 66861-M of 2006 seeking quashing of FIR in question as well as order declaring him as proclaimed offender, which was disposed of by this Court vide order dated October 30, 2006 observing that petitioner may approach the appropriate forum for getting the order passed under Section 82 of the Code set aside. Accordingly, petitioner filed revision petition before

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learned Addl. Sessions Judge, Barnala, which was dismissed vide impugned order dated October 20, 2007.

Learned counsel for the petitioners submits that the co-accused of the petitioner have already been acquitted vide order dated May 2, 2007 passed by learned Addl. Chief Judicial Magistrate, Barnala. The trial qua the petitioner could not be completed as he is resident of Canada, which resulted in his being declared a proclaimed offender. He further submits that the petitioner is ready and willing to surrender himself to the jurisdiction of the trial Court and face trial.

Having regard to the aforesaid facts, I dispose of the present petition with a direction that in case the petitioner submits himself to the jurisdiction of the trial court within a period of four weeks from today, he shall not be released on bail subject to his furnishing heavy surety to the satisfaction of the trial Court.

In view of the peculiar facts of the case, the trial Court is directed to conclude the trial within a period of four months after the surrender of the petitioner. It is made clear that in the event of the petitioner not cooperating with the trial, the trial Court shall be at liberty to proceed against him in accordance with law.

The petition is disposed in the above terms.

**February 29, 2008**  
**Pka**

**(Rajesh Bindal)**  
**Judge**