

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-15609-2015  
Date of decision: 15.05.2015

**Amarjit Singh**

... Petitioner

**Vs.**

**State of Punjab**

... Respondent

**CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Jag Nahar Singh, Advocate for  
Mr. S.S. Rangi, Advocate  
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

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**RAMESHWAR SINGH MALIK, J.**

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of the order dated 12.03.2015 (Annexure P-3), passed by the learned Addl. Sessions Judge, Ludhiana, whereby the petitioner was declared proclaimed offender, during the criminal trial, arising out of FIR No.74 dated 10.05.2012 under Sections 307, 427, 447, 148, 149, 506, 511 of Indian Penal Code ('IPC' for short) and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Khanna, Police District Khanna.

Learned counsel for the petitioner submits that petitioner has

been falsely implicated in the present case. Learned trial Court has misdirected itself, while passing the impugned order dated 12.03.2015 (Annexure P-3), declaring the petitioner as proclaimed offender. He further submits that as the petitioner has been falsely implicated in another criminal case bearing FIR No.26 dated 02.02.2014 under Sections 302, 307, 427, 148, 149, 120-B IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station City, Police District Khanna, petitioner could not appear in the present case. He prays for allowing the present petition, by setting aside the impugned order dated 12.03.2015, Annexure P-3.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, instant one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., for the following more than one reasons.

Petitioner is running from the law for the last more than three long years. The argument raised by learned counsel for the petitioner that petitioner could not appear in the present case on 26.02.2014, because he has been implicated in abovesaid FIR No.26 dated 02.02.2014 under Sections 302, 307, 427, 148, 149, 120-B IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station City, Police District Khanna, seems to be attractive at the first blush, however, when considered, in view of the peculiar fact situation of the present case, the same has been found to be without any substance. It is so said because petitioner kept on absenting himself from the

Court proceedings in the present case, for more than one year. Due to the absence of the petitioner, criminal trial remained stalled for a period of about one year. In such a situation, absence of the petitioner cannot be said to be unintentional and the impugned order deserves to be upheld.

When petitioner absented from the Court on 26.02.2014, he was ordered to be served through non-bailable warrants of arrest. Since the petitioner could not be arrested, as he was avoiding his arrest, he was ordered to be served through proclamation. The proclamation was also received back duly executed. After proclamation, statutory period lapsed but the petitioner did not appear in the Court. In such a situation, the learned trial Court was left with no other option except to declare the petitioner as proclaimed offender. Having said that, this Court feels no hesitation to conclude that since the impugned order passed by the learned trial Court has not been found suffering from any patent illegality, the same deserves to be upheld, for this reason also.

When a pointed question was put to learned counsel for the petitioner whether the petitioner is now ready to surrender before the learned trial Court, so that the appropriate directions could be issued to the learned trial Court, he expressed his inability, in this regard. This is also pertinent to note here that CRM-M-15523-2015 filed by the petitioner under Section 438 Cr.P.C., seeking pre-arrest bail in this very case, has also been dismissed by this Court, because the petitioner was not ready to surrender before the learned trial Court.

The unwarranted conduct of the petitioner, as pointed out above, prima facie shows that the petitioner has no respect for the law. He is not only arrogant but he is incorrigible as well. Such kind of a litigant whose bonafide

are in serious doubt, does not deserve any kind of sympathy from the Court of law. Under these circumstances, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this as well.

Overall conduct of a party to the litigation is one of the relevant considerations for the Courts, for the purpose of granting any kind of relief, while adjudicating the lis of such a litigant. A person who is running from the law, showing no respect for the justice delivery system, is not entitled for any kind of discretionary relief, at the hands of any Court, including this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C.

No doubt, the jurisdiction of this Court under Section 482 Cr.P.C. is wide enough, but it is equally true that this discretionary jurisdiction is to be exercised sparingly and with circumspection. Further, during the course of hearing, learned counsel for the petitioner could not point out any jurisdictional error or patent illegality, apparent of the record of the case, in the impugned order passed by the learned trial Court, so as to convince this Court to interfere, in the exercise of its inherent powers under Section 482 Cr.P.C. Thus, the impugned order deserves to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for quashing of the order dated 12.03.2015 (Annexure P-3) passed by the learned Addl. Sessions Judge, Ludhiana, is made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed, however with no order as to costs.

15.05.2015  
*vishnu*

[ RAMESHWAR SINGH MALIK ]  
JUDGE