

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

**Criminal Misc.No.M-29603 of 2015(O&M)
Date of Decision: September 02, 2015**

Gurcharanjit Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Harinder Pal Singh Bhullar, Advocate,
for the petitioner.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

CRM-28552-2015

After hearing learned counsel for the applicant and going through the contents of the application which is duly supported by an affidavit, the same is allowed. The applicant is granted exemption from filing the certified copies of Annexures.

CRM-M-29603-2015

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.44, dated 24.03.2005, for the offence punishable under Section 420, IPC, registered at Police Station, Sarhali, District Amritsar and the consequential proceedings arising therefrom being illegal, abuse and misuse of process of law and the Court.

Learned counsel contends that a person, who has to go to Japan, has to straightway go from Delhi and not via France, therefore, the allegations levelled by the informant/complainant are palpably wrong; during investigation, a panchayatnama was presented before the police showing that the petitioner was not staying at his permanent abode since 1995, therefore, the procedure laid down under Section 82, Cr.P.C., was not followed while declaring him as proclaimed offender; the petitioner could not be declared as proclaimed offender in view of Section 82 (4), Cr.P.C., and that the petitioner was never arrested by the police, therefore, he has wrongly been declared as proclaimed offender.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

So far as the first argument of the petitioner that a person cannot go to Japan via France is concerned, the same would be considered by learned trial Court after evaluating the evidence to be led during course of trial. This Court cannot go into the merits of the case after presentation of the charge-sheet (report under Section 173, Cr.P.C.). In that respect the petitioner has to make submissions in accordance with law before learned trial Court.

So far as the controversy with regard to his living at his permanent abode or outside the village would also be

considered by learned trial Court while dealing with his application for setting aside the order of proclamation.

In the matter of **State of M.P.** vs. **Badri Yadav & Anr.**
(2006) 9 SCC 549, Hon'ble the Supreme Court held that a person, who is a proclaimed offender and evading his arrest, should not be shown indulgence.

This Court finds no merit in the present case.

Dismissed.

September 02, 2015
seema

(Naresh Kumar Sanghi)
Judge

