

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

CRM-M-39928 of 2014 (O&M)
Date of Decision: August 12, 2015

Kuldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.J.S.Bedi, Sr. Advocate
with Mr.S.S.Brar, Advocate
for the petitioner.

Mr.Shilesh Gupta, Addl.A.G, Pb.

Mr.B.S.Sidhu, Advocate
for the complainant.

Rajan Gupta, J (Oral)

This is a petition under Section 482 Cr.P.C seeking quashing of order declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner contends that initially FIR was registered under Sections 323, 341 and 506 IPC. Petitioner appeared and was granted bail. Later on offences under Sections 364 and 511 IPC were added. Petitioner was declared proclaimed offender thereafter on 1.5.2014. According to him, offences under Sections 364 and 511 IPC were deleted on 8.1.2014. Thus, order declaring him proclaimed offender is unsustainable.

Learned State counsel has opposed the plea. According to him, petitioner never got the concession of pre-arrest bail. Thus, only option available to the petitioner was to appear before the trial court and

seek regular bail. Learned counsel representing the complainant has made submission on similar lines. According to him, petitioner sought anticipatory bail from this court, which was rejected on 21.1.2013. The order was unsuccessfully challenged before the Supreme Court after addition of Sections 364 and 511 IPC. He again filed a similar petition (CRM-M-16296 of 2014), same was rejected. Thereafter, petitioner again approached the Supreme Court wherein order dated 15.9.2014 had been passed.

I have heard learned counsel for the parties.

It appears that FIR was registered against the petitioner on the allegation that on 26.9.2011 at about 5 pm complainant namely, Harkirat Singh was going to his house on motor cycle. As he reached near HDFC bank, accused accompanied by other persons assaulted the complainant and attempt was made to abduct him by forcing him to enter a car. On hearing hue and cry of the complainant, he was rescued by certain passersby. Petitioner sought anticipatory bail which was rejected by this court. Initially, case was registered under Sections 323, 325, 341, 149, 149 IPC. Offences under Sections 364 and 511 IPC were added on 17.12.2012. Thereafter, petitioner preferred pre-arrest bail before this court. Same was however, declined. Offences under Sections 364 and 511 IPC were deleted on 8.1.2014. Petitioner preferred SLP before the apex court which was disposed of vide order dated 15.9.2014. Operative part thereof reads as under:-

“In the above stated backgrounds, we are not inclined to grant pre-arrest bail to the petitioner. The special leave petition is dismissed.

However, if the petitioner surrenders

before the trial court within four weeks from today and seeks for regular bail, the trial court shall consider the same on its own merits by passing orders within one week from the date of filing the bail application.”

Learned counsel for the petitioner submits that petitioner is regularly appearing before the trial court. However, it is evident that order passed by the apex court was never brought to the notice of trial court. Under the circumstances, this court does not find any ground to interfere in the inherent jurisdiction of this court as issue has already been dealt with by the apex court. Trial court shall, however, be at liberty to consider the matter afresh in light of order passed by the apex court.

Disposed of.

(Rajan Gupta)
Judge

August 12, 2015
BB