

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44418 of 2014

.....

Date of decision:22.12.2015

Nirmal Singh and others

...Petitioners

v.

State of Punjab and another

...Respondents

.....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Rajinder Sharma, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab  
for the respondent-State.

None for the complainant-respondent No.2.

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**Inderjit Singh, J.**

This petition has been filed under Section 482 Cr.P.C. for quashing of order dated 23.11.2013 (Annexure-P.12) declaring the petitioners as proclaimed offenders in cross-version of FIR No.171 dated 12.8.2012 registered for the offences under Sections 307, 324, 148 and 149 IPC and Section 25 of the Arms Act at Police Station, Lopoke as the same being wrong and illegal in the facts and circumstances of the present case and has been passed without complying with mandatory provisions of Section 82 Cr.P.C.

Notice of motion was only issued to respondent No.2.

Today, no one appeared on behalf of respondent No.2. Reply was also filed.

I have heard learned counsel for the petitioners and have gone through the record.

At the time of arguments, learned counsel for the petitioners argued that the impugned order dated 23.11.2013 passed by the learned Court is liable to be set aside because on that day an application was filed by the S.H.O. to extend time to declare the accused as proclaimed persons.

I have gone through the impugned order. The proceedings under Section 82 Cr.P.C. were initiated on the basis of application filed by the prosecution and publication was issued for the appearance of the accused before the trial Court. The filing of the application by the SHO for extending the time to declare the accused as proclaimed persons is without any basis. The Court has issued the publication for appearance of the accused, therefore, the accused are to appear before the trial Court. But the accused have not appeared before the Court nor they appeared before the Police. Even if it is taken that some inquiry was pending against them even then the SHO, Police Station, Lopoke has no right to apply for extending the period of declaring the petitioners as proclaimed persons. The Court has rightly observed that the conduct of the prosecution agency does not inspire any confidence. The application given by the S.H.O. was dismissed on merit by the Judicial Magistrate Ist Class. As the publication has been effected and the accused persons/petitioners did not appear, therefore, they have been rightly declared as proclaimed offenders.

[3]

Learned counsel for the petitioners further argued that in view of the interim order passed by this Court, the petitioners have joined the investigation, therefore, the order dated 23.11.2013 passed by the learned trial Court be quashed.

In view of the fact that interim order has been passed in this Court by giving direction of interim bail etc. is no ground to declare the impugned order passed by the learned Judicial Magistrate Ist Class declaring the present petitioners as proclaimed persons as incorrect. No other argument has been addressed as to how the impugned order dated 23.11.2013 passed by the learned trial Court is illegal.

Therefore, in view of the above discussion, I find that the impugned order passed by the learned trial Court is correct, as per law and cannot be set aside. Hence, finding no merit in this petition, the same is dismissed.

December 22, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*