

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-1665 of 2016

.....

Date of decision:19.2.2016

Balraj Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Sarika Gupta, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of impugned order 17.4.2006 (Annexure-P.3) passed by learned trial Court in case FIR No.49 dated 1.3.2005 registered for the offences under Sections 307, 326, 324, 323, 148 and 149 IPC at Police Station Sadar, Jalandhar in the interest of justice as the impugned order has been passed without following the procedure and also keeping in view the judgment of acquittal (Annexure-P2) of co-accused.

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

At the time of arguments, learned counsel for the petitioner has not argued that the petitioner was not knowing the proceedings pending before the trial Court. Rather, it is argued that as the petitioner was to be married with a girl in the foreign country, therefore, he went to the foreign

country. Her only argument is that the co-accused of the petitioner has been acquitted, therefore, this order of declaring the petitioner as proclaimed offender passed by the learned trial Court be quashed.

The mere fact that the co-accused has been acquitted by giving benefit of doubt by the learned trial Court is no ground for quashing the order declaring the petitioner as proclaimed offender. For quashing the order of proclamation, nothing has been shown by the learned counsel for the petitioner as to which illegality has been committed by the trial Court while passing the impugned order.

The judgment of a Division Bench of this Court in Sudomandal alias Diwarak Mandal v. State of Punjab, 2011(2) R.C.R. (Cr.) 453, on which reliance has been placed by the learned counsel for the petitioner is not applicable in the present case having distinguished facts. In that case while acquitting the co-accused, the Court held that the evidence produced in the case was untrustworthy, which is not a case in the present case. The trial Court has acquitted the co-accused giving him the benefit of doubt.

Therefore, from the above discussion, I find that there is nothing on record to show that the impugned order dated 17.4.2006 passed by the trial Court declaring the petitioner as proclaimed offender, in no way, can be held as illegal.

Therefore, finding no merit in this petition, the same is dismissed.

February 19, 2016.

(Inderjit Singh)
Judge

hsp