

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

CRM-M No.18090 of 2016

Date of Decision:-23.05.2016

Hardeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Arun Khatri, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Prayer is under Section 482 Cr.PC for quashing and setting aside of order dated 25.10.2013 (P-3) passed by the learned Sub Divisional Judicial Magistrate, Patti in case FIR No.91 dated 08.05.2013 for offences punishable under Sections 302, 307, 148, 149 of Indian Penal Code and Sections 25 & 27 of the Arms Act registered with Police Station Patti, District Tarn Taran whereby the petitioner was declared as proclaimed offender.

As per allegations in the FIR lodged by the complainant Tejbir Singh on the date of occurrence i.e. on 08.05.2013 at around 06.00 in the evening he along with his cousin Sukhraj, uncle Daljit and one Jasbir Singh Panch were waylaid by the accused party comprising five named accused armed with guns and *Gandassas*. They are alleged to have wrongly launched an attack resulting into the death of Sukhraj Singh and injuries to

his uncle Daljit Singh.

The allegations against the petitioner-accused Hardeep Singh is of being armed with gun and having fired in the air to resist the attempt of Daljit to rescue his son Sukhraj Singh.

In the present case challan was presented against the three arrested co-accused in August 2013. The petitioner was declared proclaimed offender on 25.10.2013 as he was avoiding the process of law. Subsequently in an enquiry at his instance he was allegedly found innocent and subsequently challan submitted seeking his discharge. Learned trial Court vide order dated 7.5.2014 rejected the discharge application and ordered the arrest of the petitioner-accused while noticing the lackadaisical investigation undertaken by the police authorities.

From the reading of the order dated 25.10.2013 (**P-3**) no fault can be found regarding declaration of the petitioner as proclaimed offender. The petitioner has evaded the process of law in a heinous offence inspite of the availability of the direct evidence.

In view of the above, no ground to interfere in the order passed by the learned SDJM, Patti dated 25.10.2013 (**P-3**) is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

May 23, 2016
Vinay