

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 278-A

Criminal Miscellaneous No.M-22591 of 2015 (O & M)
Date of Decision: *October 19, 2016*

Suresh Kumar & others

..... PETITIONERS

VERSUS

State of Haryana & another

..... RESPONDENTS

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CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. J.S. Cooner, Advocate, for the petitioners.

Mr. Parveen Aggarwal, Deputy Advocate General,
Haryana.

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Jaspal Singh, J

1. By virtue of the present petition, preferred under Section 482 Cr.P.C., petitioners have sought quashing/setting aside of order dated February 23, 2015 (Annexure P-5) passed by the Sub Divisional Judicial Magistrate, Safidon in Criminal Complaint No.269 dated March 01, 2012 whereby the petitioners have been declared as Proclaimed Offenders and SHO was directed to register case against them.

2. Facts of the case are that on June 20, 2011, complainant

– Yogender Singh was going towards his new house from the old

in Scorpio stopped their vehicles near Yogender Singh. They beaten up the complainant, snatched his mobile and put him forcibly in their vehicle. On hearing the noise of complainant, Ragbir, Happar, Rohtash came at the spot and tried to save him. Sumit @ Banti (son of complainant) was also trying to save him but accused struck the side of their vehicle to motorcycle of Banti, due to which, he fell down. Accused persons took the complainant to Police Station, Safidon and got his signatures on some blank papers. Complainant came to know that he was arrested by the accused persons, without giving any information to local police of Safidon. He was given beating and abuses by the accused persons. Complainant gave written complaints to higher authorities but police did not take any action. Thereafter, complainant instituted the instant complaint.

3. On the strength of preliminary evidence adduced by respondent No.2 – complainant, petitioners were summoned to face trial under Sections 323, 342, 506, 511, 34 IPC vide impugned order dated April 16/18, 2012 (Annexure P-2).

4. Aggrieved against order dated April 16/18, 2012 (Annexure P-2), petitioners preferred revision petition which was also dismissed by the Sessions Judge, Jind, vide judgment dated May 11, 2015 (Annexure P-3). In the interregnum, vide impugned order dated February 23, 2015 passed by the Sub Divisional Judicial Magistrate, Safidon, the petitioners have been declared as Proclaimed Offenders as they have been intentionally avoiding service of summons/warrants.

5. Learned counsel for the petitioners has argued that the trial court did not consider that revision petition against order dated April 16, 2012 was pending before the Sessions Judge, Jind. There was no intention of avoiding summons by the petitioners. Moreover, the complainant as well as police of Police Station, Safidon, were in the knowledge of pendency of revision petition. As such, impugned order dated February 23, 2015 is not sustainable in the eyes of law and is liable to be set aside.

6. This Court has given a deep thought to the submissions made by learned counsel but find the same to be without any legal and factual substance.

7. A glance at order dated May 11, 2015, vide which, criminal revision petition of petitioners, preferred against order dated April 16, 2012, was dismissed by the court of Sessions Judge, Jind, reveals that despite summoning of petitioners on various occasions through notices, bailable warrants and warrants of arrest, none of them put in appearance before the trial court. The conduct of the petitioners shows their guilty mind and an utter disregard to the court proceedings. Avoiding their appearance before the trial court is a grave misconduct on the part of the petitioners. On the one hand, they approached the Court of Sessions challenging their summoning and on the other hand, they are avoiding the execution of warrants against them. Moreover, all the petitioners are police officials. Despite that, they avoided their appearance and have been rightly declared as Proclaimed Offenders.

Moreover, another petition (Criminal Miscellaneous No.M-22539 of

2015) preferred by the petitioners seeking setting aside of summoning order(s) has also been dismissed by this Court vide Judgment dated October 19, 2016.

8. Taking the case of the petitioners from either of the angles, this court of the considered view that no ground is made out to quash/set aside the impugned order, rather the same is absolutely in consonance with the legal proposition applicable to the facts & circumstances of the case in hand.

9. Dismissed.

October 19, 2016

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**(Jaspal Singh)
Judge**

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No