

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

CRM-M-23584-2016 (O&M)

Date of decision : 02.08.2016

Parveen Kumar

...Petitioner

Versus

Balbir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sumeet Jain, Advocate,
for the petitioner.

Mr. Sarju Puri, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, for quashing of order dated 19.11.2015 (Annexure P-2), whereby, bail bonds of the petitioner have been cancelled and warrants of arrest issued; order dated 18.03.2016 (Annexure P-3) issuing proclamation; and order dated 05.05.2016 (Annexure P-4) declaring the petitioner as proclaimed person; passed by learned Judicial Magistrate 1st Class, SBS Nagar, in complaint titled as 'Balbir Singh Vs. Parveen Kumar' bearing No.Coma/4983/2013 dated 29.08.2013.

Learned counsel for the petitioner cites *Sanjay Chaturvedi Vs. State (Dehli), 2007(1) R.C.R. (Criminal) 822*, to contend that warrants of arrest could not have been issued against the petitioner as he had been regularly appearing before the trial Court through his counsel and thus, did

not evade the process of the Court.

Heard.

A perusal of the impugned order reveals that the petitioner in fact, never appeared before the Court in person. During the span of 2½ years, out of 21 dates, he sought exemption on 12 dates. On 02.01.2014, learned trial Court while observing that the petitioner was intentionally evading the process of the Court, ordered to serve him through bailable warrants. When the petitioner did not appear in pursuance of order dated 02.01.2014, only thereafter, non-bailable warrants were issued. Even after cancellation of his bail bonds on 19.11.2015, he did not appear on various dates i.e. 01.12.2015, 23.12.2015, 18.01.2016, 10.02.2016, 18.03.2016 and 08.04.2016. Ultimately, on 05.05.2015, the petitioner was declared proclaimed offender.

The ratio of the reported case shall not apply to the facts of the present case.

From the record, it emerges that the petitioner has no respect for the orders passed by the competent court. He has throughout intentionally evaded the process of the Court.

Dismissed.

02.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No