

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

CRM-M-35929-2016

Date of decision-05.10.2016

Harvinder Singh @ Kaka

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Tapish Kumar Gupta, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition under Section 482 of the Code of Criminal Procedure, the petitioner has sought quashing of order dated 16.03.2015 (Annexure P-3) passed by learned Judicial Magistrate First Class, Jalandhar in FIR No.04 dated 11.01.2012, registered under Sections 323, 341, 506, 148, 427 and 120-B read with Section 149 of the Indian Penal Code (in short 'IPC') at Police Station Navi Baradari, wherein the petitioner has been declared proclaimed offender.

It is contended by learned counsel for the petitioners that the petitioner wanted to get married with the sister of the complainant. However, on account of caste differences, the complainant objected to such alliance. The impugned order dated 16.03.2015 (Annexure P-3) declaring the petitioner a proclaimed offender has been passed without effecting service upon the petitioner.

I have heard the learned counsel and perused the case file.

Prior to filing of the instant petition, the petitioner approached this Court by way of CRM-M-34877-2016 seeking anticipatory bail in the

instant case, which was dismissed by this Court on 30.09.2016. The relevant portion of the said order is reproduced as under:-

“Considering the fact that the FIR is of the year 2012. On 16.03.2015, the petitioner had been declared proclaimed offender and evaded the process of Court for a number of years.

No case for anticipatory bail to proclaimed offender is made out.

In State of M.P Vs. Pradeep Sharma 2014 (1) RCR (Crl) 269, it has been held that an accused who is declared absconder/proclaimed offender and is not cooperating with the investigation should not be granted anticipatory bail.

However, on account of alleged hostility between the families, as the petitioner wanted to get marry to the sister of the complainant, it is ordered that in case the petitioner surrenders before the trial Court within a week from today, the bail application will be decided expeditiously.”

It is to be noticed that instead of surrendering before the trial Court as directed in the order dated 30.09.2016, the petitioner has chosen to file the instant petition.

The FIR pertains to the year 2012, the petitioner is evading the process of Court since then and he has not complied with the directions passed by this Court vide order dated 30.09.2016 passed in CRM-M-34877-2016. Therefore, the conduct of the petitioner disentitle him to obtain the relief sought in the present petition.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

October 05, 2016

vanita

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