

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

CRM-M-41648-2016

Date of decision: 21.11.2016

Harshdeep Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Krishan Sehgal, Advocate for the petitioner

SNEH PRASHAR, J.

The instant petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 24.12.2015 (Annexure P2) passed by learned Judge, Special Court, SBS Nagar vide which the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner submits that after granting regular bail, the petitioner had been regularly appearing before learned trial Court. In the month of March, 2015, as the petitioner was unemployed, he found an opportunity of job and went to Qatar without taking any legal advise. On account of his non appearance, he was declared proclaimed offender by learned trial Court vide order dated 24.12.2015. Submitting that the absence of the petitioner was not intentional or deliberate, learned counsel prays that the impugned order be set aside.

The petitioner was facing trial in criminal case based on

First Information Report No.11 dated 10.3.2014 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Behram, District SBS Nagar. He was enlarged on bail by learned trial Court but he misutilised the concession given and without taking prior permission of the court, went abroad on 24.3.2015 and returned only on 19.1.2016. When the petitioner after being granted bail was regularly appearing before learned trial Court upto March, 2015 and without intimation to the court absented thereafter, it does not lie in his mouth to say that his absence was not intentional.

The provision of Section 482 Cr.P.C. is not an instrument handed over to an accused to short circuit the process of law. The petitioner, who has made an attempt to escape from the hands of law with his deliberate default in appearance before the court and has been declared proclaimed offender, is not entitled to any relief from the Court. Learned counsel for the petitioner has failed to point out any illegality or irregularity in the order dated 24.12.2015 passed by learned trial court vide which the petitioner was declared proclaimed.

Accordingly, the present petition being devoid of merit is dismissed.

21.11.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No