

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

CRM-M-41780-2016

Date of decision: 22.11.2016

Amanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Naveen Sharma, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of order dated 6.3.2014 (Annexure P-4) passed by learned Judicial Magistrate, 1st Class, Ludhiana vide which, the petitioner was declared proclaimed offender.

The submissions made by Mr.Naveen Sharma, Advocate have been heard.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He was not named in the First Information Report. He was involved in the present case on the basis of disclosure statement of his co-accused.

The matter was investigated and the challan was presented against 9

persons and as much as 6 persons including the present petitioner were placed in column No.2. During trial on an application under Section 319 Cr.P.C. filed by the prosecution, the petitioner alongwith some other persons was summoned as an additional accused. The petitioner received no notice from the court regarding his summoning. He was a member of an orchestra group. His mother had disowned him long back and a publication in this regard was made in the news papers. His mother apprehending danger to her and her daughter's life and liberty at the hands of Station House Officer, Police Station Dugri, District Ludhiana had filed a petition before this Court vide CRM-M-24574-2013 for grant of protection. As the petitioner was not living at, the summons/ proclamation issued against him at the said address could not reach him. He came to know about the summoning only when he went to meet his mother and sister. Eleven other accused facing trial were acquitted by learned trial Court vide judgment dated 21.11.2014. There is no incriminating evidence against the petitioner as well and he is ready to face the trial. Learned counsel contended that for the said reasons, the order passed by learned trial Court declaring him proclaimed offender is illegal and be set aside.

The petitioner was summoned in a criminal case based on First Information Report No.64 dated 22.7.2013 registered under

Sections 302, 364, 201, 148, 149, 1290B of the Indian Penal Code at Police Station Dugri, District Ludhiana. When his presence could not be procured despite repeated warrants of arrest issued against him, a proclamation as envisaged under Section 82 Cr.P.C. ultimately was issued. Since he did not surrender even in response to the proclamation, he was declared proclaimed offender vide order dated 6.3.2014. After a considerable long period i.e. almost two years and eight months, the petitioner has approached this Court for setting aside the proclamation order. When as per his own version he had come to know about the entire proceedings from his mother, it does not lie in his mouth to say that he was not aware of the same when his mother approached this Court for protection.

The conduct of a litigant is an important factor for consideration by the court in such matter. Although the power of this Court under Section 482 Cr.P.C. is wide enough, yet it is equally true that the discretionary power under Section 482 Cr.P.C. is to be exercised sparingly and with circumspection. The present case has not been found to be a justified one, warranting interference, while exercising jurisdiction under Section 482 Cr.P.C. Learned counsel for the petitioner has failed to point out any illegality or irregularity in the order dated 6.3.2014 passed by learned trial court vide which the petitioner was declared proclaimed.

Accordingly, the present petition being devoid of merit

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is dismissed.

22.11.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No