

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

CRM NO. M-520 of 2016
Date of decision:- April 26, 2016

Ajit Singh

...Petitioner...

versus

State of Punjab

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Parminder Singh, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

By virtue of this petition preferred under Section 482 of the Code of Criminal Procedure, petitioner has sought quashing of FIR No. 100, dated 11.04.2007, under Sections 420, 465, 467, 468, 471 and 120-B IPC along with all subsequent proceedings.

2. The contention of learned counsel for the petitioner is that the petitioner was appointed as JBT Teacher on 22.07.1959 at Government Primary School and he rendered services up-to 31.08.1982 without any break. He applied for extra ordinary leave w.e.f. 01.01.1988 on account of receipt of various threats from terrorists. Due to continuous threats through local MLA, the petitioner ran from pillar to post for grant of medical leave from 01.12.1991 to 15.04.1992 but could not succeed. Rather, he was

forced to seek retirement on 31.07.1992. Thereafter, he faced the legal battle to seek pensionary benefit and ultimately succeeded by virtue of judgment and decree dated 19.04.2008.

3. Learned counsel for the petitioner further contends that the Department under the political pressure, lodged instant FIR No. 100, dated 11.04.2007 on the ground that application for grant of medical leave in the month of April 1992 was not according to the rules and procedures and in the said manner, he has committed fraud with the Department. Meanwhile, petitioner due to continuous threats to his life and liberty, left India and settled in USA. Department also instituted an appeal, which was defended/pursued by him through his general power of attorney. In the above referred FIR, he has already been wrongly declared proclaimed offender vide order dated 20.11.2013. In fact, he was never served with any summons or warrants. Thus, the initiation of proceedings under Section 82/83 Cr.P.C. are absolutely wrong, false and bad in the eyes of law. In fact, he had no knowledge about the pendency of criminal case against him. He is ready and willing to join the proceedings of the case and is also willing to return to India.

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

5. Undoubtedly, the petitioner has rendered services from 22.07.1959 to 31.08.1982 and from 01.01.1988 though he applied for extra ordinary leave but did not get extension and he left abroad. Thereafter, he did not return to India. Subsequent thereto, FIR in question was registered

on 11.04.2007. The matter was inquired into and investigated and on the basis of evidence collected by the investigating agency, report under Section 173 Cr.P.C. was furnished. Since, the petitioner did not join the proceedings, he was declared proclaimed offender under Section 82 Cr.P.C. Subsequently, proceeding under Section 83 Cr.P.C. was initiated against him. It cannot be said at this stage that he was not aware about the FIR and the case registered against him or he was wrongly declared proclaimed offender, especially in the circumstances that he was pursuing civil matter through his attorney Sarabjit Singh. Even at present, he has not opted to join the proceedings or return to India. There is nothing on the record to suggest that if the allegations contained in the FIR are taken on its face value, the same do not disclose the commission of any cognizable offence or that the FIR has been registered with malice or that the FIR is nothing but an abuse of process of law.

6. Thus, this Court does not find any material to quash the FIR in question. Accordingly, the petition is dismissed.

7. However, any observation made in this order shall have no binding effect on the merits of the main case and further that the petitioner shall be at liberty to take all the pleas taken in this petition during the course of trial before the trial court.

April 26, 2016
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(JASPAL SINGH)
JUDGE