

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

CRM No.M-15379 of 2017(O&M)

Date of Decision: August 30, 2017

Sanjay Kumar through Special Power of Attorney and brother Sajjan Pal

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjeev Kadian, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner Sanjay Kumar through Special Power of Attorney and brother Sajjan Pal has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana for quashing the FIR No.80 dated 13.02.1998 under Sections 323, 324, 325 and 34 IPC, registered at Police Station Sadar Rohtak, District Rohtak, orders dated 17.03.2007 and 30.04.2007, whereby the petitioner was declared as Proclaimed Offender and all consequent proceedings since the co-accused stand acquitted in appeal.

Learned counsel for the petitioner argued that petitioner was regularly appearing from April 1998 to 2006 before the trial Court and then he went to Australia and still the petitioner is in Australia. The present petition has been filed by the petitioner through his brother for quashing of

the order declaring the petitioner as Proclaimed Offender and also for quashing of the FIR.

I have heard learned counsel for the petitioner and have gone through the record.

It is admitted at the time of arguments that no permission was taken by the petitioner from the Court before going abroad. It is also admitted that petitioner was knowing the proceedings well and was appearing before the trial Court and absented voluntarily. In these facts, in no way, it can be held that petitioner was not served personally or Court's satisfaction to declare him proclaimed offender is without any reason. No ground is made out in these circumstances for setting aside the order declaring petitioner as proclaimed offender.

Otherwise also, the petitioner is still residing in Australia and has not come to India and he has filed this petition for quashing of the FIR through his brother. No ground is made out for quashing the FIR as the trial was already going on, when the petitioner absented from the Court proceedings.

Therefore, finding no merit in the present petition, the same is dismissed.

August 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No