

116

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

**CRM-M-26722 of 2017
Date of Decision: 27.07.2017**

Bhupinder Singh Aulakh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. S.S.Rangi, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

2. On the asking of the Court, Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

3. In this petition, the petitioner has prayed for quashing the impugned order dated 18.01.2014 (Annexure P-7) passed by the Ld. Sub Divisional Judicial Magistrate, Dhuri vide which the petitioner was declared a Proclaimed Offender.

4. Background of the matter is that a complaint was sent by one Chhaju Khan to the Deputy Superintendent of Police, Malerkotla and the Station House Officer, Police Station Sadar, Ahmedgarh (Chhana) to the effect that he had been harassed by three persons including the petitioner and was, therefore, committing suicide. The FIR on the basis of the said letter of complainant, dated 09.05.2013 was drawn up on 25.05.2013. In the meantime, the petitioner, who is a resident of Canada for over 20 years, had already left India on 12.05.2013 when no FIR was pending against him.

The Police subsequently conducted their investigation and submitted

challan against several persons including those persons named in the FIR.

5. The petitioner claims that he was absolutely unaware of the FIR or the proceedings pending against him since he was all along in Canada at the material time.

6. Subsequently, on coming to know about the impugned order passed against him, he returned to India and approached the Ld. Court below for quashing the same. But his application to that effect has been dismissed vide impugned order dated 30.05.2017 (Annexure P-8).

7. The petitioner has, therefore, approached this Court. His contention is that in the meantime, all the other charge-sheeted accused persons have been acquitted after a regular trial vide the detailed judgment dated 15.10.2015 (Annexure P-2).

8. In the given facts and circumstances, it would appear that the absence of the petitioner from the proceedings in the Court of the Ld. Magistrate and subsequently, the actual trial Court, were beyond his knowledge and control. The impugned order dated 18.01.2014 (Annexure P-7) is, therefore, quashed. The petitioner is granted liberty to surrender before the Ld. Trial Court within a fortnight and file his application for bail there, which may be dealt with in accordance with law, and he may not be arrested in the meantime.

27.07.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No