

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-34310 of 2017

Date of Decision: 15.09.2017

Jagjit Singh and Others

... Petitioner(s)

Versus

The State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. seeking quashing of FIR No. 317 dated 5.12.2009, registered under Sections 382, 427, 506, 148 & 149 IPC at Police Station Sadar, Jalandhar; orders dated 16.10.2010 (Annexure P2), passed by learned Additional Chief Judicial Magistrate, Jalandhar, whereby petitioners No.2 & 3 were declared as proclaimed offender and order dated 31.1.2015, whereby petitioner No.1 was declared as proclaimed offender.

Learned counsel for the petitioners contended that co-accused in this case have already been tried and acquitted and the complaint was filed by the complainant on incorrect facts. Learned counsel has placed reliance upon the judgment of Hon'ble Division Bench of this Court in ***Sudo Mandal alias Diwarak Mandal s/o Mohinder Mandal v. State of Punjab 2011(2) RCR (Criminal) 453*** and also of the learned Single Bench of Delhi High

246.

Having considered these facts and the judgments cited by learned counsel for the petitioner the fact that the petitioners No.2 & 3, namely Hira Singh and Kuldeep Singh were declared as proclaimed offenders vide order dated 16.10.2010 and petitioner No.1-Jagjit Singh was declared as proclaimed offender on 31.1.2015 and they misused the process of law for pretty long period. Similar matter was before the Hon'ble Apex Court in *State of Madhya Pradesh v. Pradeep Sharma 2014(2) RCR (Criminal) 269*, wherein it was observed that the absconder/proclaimed offender, in terms of Section 82 of the Criminal Procedure Code, is not entitled to discretionary relief. Similar view was also taken by the Hon'ble Apex Court in *Lavesh v. State (NCT of Delhi) 2012(4) RCR (Criminal) 240*. Thus, there is no ground for setting aside the impugned orders and present petition stands dismissed.

(Shekher Dhawan)
Judge

September 15, 2017

“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No