

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36574 of 2016 (O&M)

Date of Decision : 17.04.2017

Parminder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Surinder Gupta, J.

Petitioner seeks quashing of order dated 11.11.2005 passed by Sub Divisional Judicial Magistrate, Barnala, declaring the petitioner a proclaimed offender.

2. Learned counsel for the petitioner submits that petitioner was arrested and challaned in a case for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He was charge-sheeted but later he went to United States of America. The police has effected his service through publication only at village Chakar, Police Station Jagraon, where he was not residing. He was declared proclaimed offender vide order dated 11.11.2005, when he was in America and no service of proclamation was effected at the place where he was residing, as such, order declaring him a proclaimed offender is bad in the eyes of law.

3. On giving a careful thought to submissions of learned counsel for the petitioner, I find no reason to set aside order dated 11.11.2005, declaring the petitioner a proclaimed offender. It is a case where the petitioner jumped bail and had gone abroad without intimating the trial

Court. It is nowhere the case of petitioner that he had informed the trial Court about his address of United States of America at any point of time. He was served through publication at the address mentioned in the challan, given by him while he was charge-sheeted. He had remained absent for a period of about more than 11 years and now it does not lie in his mouth to say that his service through publication is bad as he had gone abroad. A person, who has violated the terms of his bail and escaped the trial by going abroad without intimating the Court, has no right to say that his service, which was effected at the address available on record, is not valid.

This petition has no merit and the same is dismissed.

April 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No