

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

**CRM-M-40481 of 2016 (O&M)
Date of Decision: January 30, 2017**

Kulwant Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: None for the petitioner.

Mr. Gurinderjeet Singh, DAG, Punjab.

FATEH DEEP SINGH, J.

Through this petition the petitioner Kulwant Singh, who has been declared as proclaimed offender in FIR No.56 dated 27.01.1985 under Sections 148/149/323/506 IPC pertaining to Police Station Kotwali, District Kapurthala vide orders dated 29.08.1986 and subsequent orders dated 19.04.2016 of learned Additional District and Sessions Judge upholding the same has sought to challenge the same under Section 482 Cr.P.C.

Heard learned State counsel and perused the records of the case. As is well elucidated from the records, the petitioner Kulwant Singh who was accused in this case had secured bail and had tendered bail bonds and surety bonds and upon presentation of challan was charge-sheeted vide orders dated 05.11.1985 of the learned Chief Judicial

Magistrate, Kapurthala. He had been appearing before the trial Court and subsequently thereafter absented on 26.5.1986 and after due adoption of recourse to law vide orders dated 29.8.1986 was declared as proclaimed offender and since then had remained away from the Court from almost 30 years being fully aware of the proceedings so undertaken against him. It is at this stage what is reflected from the records and has been brought to the notice of this Court by the learned State counsel that consequent upon acquittal of the co-accused the petitioner has sought this preferential treatment for his decent acquittal. A million dollar question arises, if a person who was allowed bail in a case wherein he was arrayed as an accused having attended the Court proceedings in which charges have been framed against him and subsequently when the accused remained away from the Court for almost 30 years is entitled to any such concession has been well answered by this Court in ***CRM-M-12547 of 2016*** titled as ***Avatr Singh vs. Harminder Singh***. Thus, in the totality of the things and having regard to the conduct of the petitioner does not entitle him to any such relief much less the provisions of Section 482 Cr.P.C which are to be used only in exceptional circumstances to meet the ends of justice which is not forthcoming in this case. Thus, the petition neither has any merit nor there is any bonafide on the part of the petitioner to seek such a relief from a Court of law and in view of this falsehood and the own subterfuge of the petitioner impels this Court to dismiss the present petition with exemplary cost of Rs.30,000/- which shall be recovered as arrears of land revenue. Since the trial Court has failed to have recourse to provision under Section 446 Cr.P.C against the accused and surety for this default, besides taking recourse to

other provisions impels this Court to issue directions to the trial Court to have resort to the same at the earliest without loss of time.

(FATEH DEEP SINGH)
JUDGE

January 30, 2017

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No