

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

**CRM-M No.41504 of 2017
Date of decision : 02.12.2017**

Baljinder Singh

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vivek Sharma Vashisht, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl. AG, Punjab.

Mr. Bhanu Pratap Singh, Advocate
for the complainant.

SUDIP AHLUWALIA, J.(ORAL)

The petitioner in this petition has challenged the order dated 04.08.2015, passed by the learned JMIC, Hoshiarpur (Annexure P-3). He was declared a Proclaimed Offender in the proceedings arising out of FIR No. 45 dated 31.03.2012 registered under Sections 323, 324, 325, 326, 148, 149 IPC at Police Station Bullowal, District Hoshiarpur.

He had been appearing in the learned Court below till 11.09.2014. After that he absented from the proceedings as according to him being a truck driver he had to go outside the State in connection with his profession and therefore, was unable to appear on the next date. His further contention is that the warrant issued against him depicted his address wrongly.

In the opinion of this Court any clerical defect in the particulars mentioned in the Court's process would not help the petitioner to challenge the order declaring him a Proclaimed Offender because in any case he did have knowledge of the proceedings and could have voluntarily surrendered in the learned Court below when, he was back in the State. His further prayer, to “grant an opportunity to submit himself to the jurisdiction of learned Judicial Magistrate, Hoshiarpur by furnishing bail and personal bonds,” in fact a prayer for anticipatory bail is in disguise, which in case of a Proclaimed Offender is not ordinarily admissible.

In the given circumstances, the matter is disposed off with a liberty to the petitioner to surrender before the learned trial Court within a week from today and apply for fresh bail, which may be considered on merits. The petitioner may place on record appropriate material/proof to explain his absence in the learned Court below for the relevant period.

Disposed off accordingly.

(SUDIP AHLUWALIA)
JUDGE

02.12.2017

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No