

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

**CRM-M-13283-2017(O&M)
Date of decision:-1.2.2018**

Jaswant Singh Cheema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Ranjan Lakhanpal, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for setting aside the order dated 30.3.2017 passed by learned Additional Sessions Judge, Ludhiana in case pertaining to FIR No.39 dated 15.2.2015, under Sections 307/452/326/325/323/148/149/120-B IPC, Police Station Salem Tabri, District Ludhiana City, whereby the petitioner has been declared as proclaimed offender, has been filed by petitioner Jaswant Singh Cheema, an accused in the FIR in question.

Inter alia, in the petition it is contended that in the challan presented by the police relating to the FIR in question, the petitioner was placed in column No.2; that the challan had been filed in the Court on

28.6.2015; that during the trial on an application under Section 319 Cr.P.C. having been filed by the prosecution on 8.10.2015, petitioner was summoned; that he had moved an application for pre-arrest bail in this Court in which petitioner was directed to appear before the trial Court within 10 days; that the petitioner had appeared on 11th day; that the trial Court asked him to get the time extended and the petitioner had moved an application for extension of time in this Court in which notice was issued for 11.5.2017; that in the meanwhile, the petitioner was declared a proclaimed offender vide impugned order dated 30.3.2017. According to the petitioner, he was not served and he was wrongly declared as proclaimed offender, therefore, order dated 30.3.2017 declaring him as proclaimed offender be set aside.

Notice of the petition was issued to respondent – State, which put in appearance through counsel.

A perusal of the impugned order goes to show that petitioner – accused Jaswant Singh Cheema had failed to turn up in the trial Court despite the case being called repeatedly since morning observing that he had been served through proclamation on 28.2.2017 he was declared a proclaimed offender.

No illegality or infirmity is found to be there with the impugned order. Admittedly, the petitioner had not appeared in the trial Court within a period of 10 days as directed by this Court vide order dated 13.1.2017 in CRM-M-515-2017. Though he had moved an application for extension of time but no such extension has been granted to him. The trial Court should have been informed by the petitioner regarding the state of affairs, rather he should have appeared there and if

the circumstances so required move an application for regular bail but he did not opt to do so. Now he is finding faults with the orders passed by the trial Court. No ground is made out to interfere with the impugned order declaring the petitioner as proclaimed offender.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

1.2.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No