

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 27380 of 2018 (O&M)

Date of decision : 5.7.2018

...

Pargat Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioner.

...

H. S. Madaan, J. (Oral)

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 20.2.2016, passed by JMIC, Jalandhar, vide which the petitioner was declared a proclaimed offender.

At the very outset, it may be said that petitioner-Pargat Singh is an absconder. He cannot file the petition and challenge the order declaring him proclaimed offender in such a manner. Whatever faults he is trying to find out with the order declaring him a proclaimed offender should be brought to the notice of the Court, which has declared him a proclaimed offender so as to get the order set aside and get bail therefrom. This tendency to approach the High Court directly without going to the trial Court, is not proper.

In authority reported as **Mehnga Singh vs. State of Punjab** **2002 (2) RCR (Criminal) 501**, by a Coordinate Bench of this Court, it has been observed that when an accused has been declared as proclaimed offender, a petition against the order under Section 482 Cr.P.C. is not maintainable and that the accused should first move the Court which declared him proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and that power under Section 482 Cr.P.C. is not to be exercised in favour of a person who is absconder or avoiding service.

The petition stands dismissed.

However, the petitioner is directed to appear in the trial Court within a period of ten days from today and in the event of his doing so and moving an application for regular bail, the same be disposed of by the trial Court expeditiously.

5.7.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No