IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28833-2018(O&M)
Date of decision:-12.7.2018

Gurjinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Sunil Agnihotri, Advocate
for the petitioner.

****

H.S. MADAAN, J.(ORAL)

This is a petition seeking quashing of order dated 22.5.2014 passed by Sub Divisional Judicial Magistrate, Mukerian declaring the petitioner as a proclaimed offender.

At the very outset, it may be said that petitioner – Gurjinder 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 first is not proper.

Brij Mohan Bhalla
2018.07.12 17:17
I attest to the accuracy and
authenticity of this document
Chandigarh

In ***Mehnga Singh Versus State of Punjab, 2002(2) R.C.R.(Criminal) 501***, 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 absconding or avoiding service.

Therefore, petitioner is directed to surrender in the trial Court within a period of 10 days from today and in event of his doing so and moving application for regular bail, the same be disposed of by the trial Court expeditiously, keeping in view the fact that his wife Gurjit Kaur, who is present in the Court states that she has compromised the matter with the petitioner and both of them want to reside together along with the minor child. The trial Court may deal with the matter sympathetically in view of that contention.

With the above observations, the petition stands disposed of accordingly.

(H.S.MADAAN)
JUDGE

12.7.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

Brij Mohan Bhalla
2018.07.12 17:17
I attest to the accuracy and
authenticity of this document
Chandigarh