

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

CRM-M-29690-2017

Date of decision:-17.7.2018

Sukhveer Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Harneet Singh Oberoi, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.(ORAL)

This petition under Section 482 Cr.P.C. seeking quashing of FIR No.23 dated 9.2.2004, under Sections 406, 498-A IPC, registered at Police Station Sidhwan Bet, District Ludhiana as well as proclaimed offender proceedings initiated by police officials has been filed by petitioner - Sukhveer Singh, who has been declared as a proclaimed offender in this case vide order dated 14.7.2006.

At the very outset, it may be said that petitioner – Sukhveer 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.

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.

It being so, the petition is not maintainable and the same is dismissed accordingly.

17.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No