

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

CRM-M-42613-2017

Date of Decision : 17.1.2018

Amarinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr.Manuj Nagrath, Advocate
for the petitioner.

H.S.MADAAN, J. (ORAL)

This is a petition for quashing of FIR No.94 dated 25.6.2002 for an offence under Section 61(1)(A) of Punjab Excise Act, 1914 as well as order dated 13.11.2017 passed by Judicial Magistrate Ist Class, Mohali declaring the petitioner as proclaimed offender as also proceedings under Section 82 Cr.P.C.

Briefly stated, facts of the case as per prosecution story are that on 25.6.2002, a police party from Police Station Sohana headed by ASI Ram Nath was present at T-point, near Saini Farm, G.T. Road, Sohana in connection with patrolling and checking duty when at about 7:30 p.m, an Indica car baring No.PB-10AM-5575 came from Chandigarh side which was intercepted and on being inquired, the driver of the car disclosed his name as Balraj Singh son of Surinder Singh, resident of H.No.969, Macha Killa, Jagraon, Ludhiana, whereas the other two occupants of the car disclosed their names as Amarinder Singh son of

Nirmal Singh, resident of House No.356, Adarsh Colony, Patiala (present petitioner) and Satish Jain son of Charandas Jain, resident of House No.3420, Mohalla Halapur, near Mahabir Public School, Sirhind, District Fatehgarh Sahib; that the search of the car revealed that three cardboard boxes, each box having 12 bottles, of country-made liquor with inscription Director Special, for sale in Chandigarh only were being carried in that car; that no licence or permit was produced by the occupants of the car. The case property was taken into possession. Ruqa was sent to the police station, which formed basis for registration of the FIR. The accused were arrested. They were released on bail. During investigation of the accused, accused Satish Jain was found to be innocent, whereas Balraj Singh and Amarinder Singh (present petitioner) were challaned. During the trial, Balraj Singh had absented from the Court, whereas petitioner had been attending the Court on the fixed dates. Thereafter, the petitioner went abroad and subsequently he was declared as a proclaimed offender vide order dated 13.11.2017. Now he has approached this Court by way of filing the present petition.

A very perusal of the FIR goes to show that no ground for its quashing is made out since the petitioner is specifically named in the FIR and necessary ingredients of offence under Section 61 of the Punjab Excise Act are made out. Registration of FIR is certainly not misuse of process of law. As regards quashing of order declaring the petitioner as proclaimed offender is concerned, as per his admission in the petition during the trial he had absented going abroad without seeking prior permission of the Court and as such vide impugned order dated

13.11.2017 he was declared as a proclaimed offender.

I have gone through that order and I do not find any illegality or infirmity therein. Hence the petition is without any merit and is dismissed accordingly.

The petitioner is directed to surrender in the trial Court within seven days from today and move an application for regular bail and in that event, the trial Court would dispose it of expeditiously preferably within a period of ten days.

Learned counsel for the petitioner prays that arrest of the petitioner during that period be stayed. His request has been considered and declined.

Copy of this order be sent to the quarter concerned.

17.1.2018
Brij

(H.S. MADAAN)
JUDGE

Whether reasoned/speaking :	Yes/No
Whether reportable :	Yes/No