

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-931-2018

Date of Decision:31.07.2018

Sukhpal Singh Gill

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Deepak Nayar, Advocate,
for the petitioner.

Mr. Tanvir Joshi, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to the respondents to take appropriate action against respondent No.8 in terms of Annexure P-3.

Annexure P-3 is the communication sent by the Joint Director (Crime) Head Director, Vigilance Bureau, Punjab, to Senior Superintendent of Police, Vigilance Bureau, Range Amritsar.

Learned counsel for the petitioner states that as per communication (Annexure P-3) when the application filed by accused-Dhanwant Singh regarding recalling the proceedings was dismissed, accused-Dhanwant Singh was required to be arrested and to be produced in the court but the respondents are not taking any action as per said letter.

Reply by way of affidavit of Sh. Tejinderpal Singh, Deputy Superintendent of Police, Vigilance Bureau, Range Amritsar, on behalf of

the respondent-State has already been filed.

Along with the reply, order dated 07.02.2018 passed by learned Chief Judicial Magistrate, Amritsar, is attached. The same reads as under:-

“Papers put up today in view of the application moved by Insp. Vijay Pal Singh No.404/JR Range Vigilance Bureau, Amritsar for recalling the proclaimed offender orders. At the same time, Insp. Vijay Pal Singh vide his separate statement has stated that the accused named above was declared proclaimed offender vide order dated 28.05.2009 passed by the court of Sh. Karnail Singh, the then CJM Amritsar and thereafter untraced report presented against the accused which has been accepted vide order dated 30.03.2013 passed by the court of Sh. G.S. Bakshi, the then Ld. Judge Special Court. As such, it is prayed that the proclaimed offender order (sic.) dated 28.05.2009 may be recalled. Since the untraced report has already been accepted by Ld. Judge Special Judge, therefore, order of proclaimed offender is hereby recalled immediately. Papers be consigned to the record room.”

The argument of the learned counsel for the petitioner that once the court has declared respondent No.8 as proclaimed offender vide order date 28.05.2009, order cannot be recalled by the Chief Judicial Magistrate. He has further states that there is no untraced report.

Learned State Counsel has argued that thought the accused was declared proclaimed offender vide order dated 28.05.2009, thereafter, untraced report was presented against the accused which was accepted by the trial court vide order dated 30.03.2013. Thus, the order of declaring respondent No.8 as proclaimed offender comes to an end.

I have heard learned counsel for the parties.

Considering the fact that the police has already submitted

untraced report, this Court finds that P.O. order has rightly been recalled by learned Chief Judicial Magistrate.

Dismissed.

The plea of the petitioner that there is no untraced report and it is only cancellation report does not change the nature of relief so granted.

July 31, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No