

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10099-2019

Date of decision-05.03.2019

Sahibjit Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure for quashing the impugned order dated 30.05.2016 (Annexure P-3) passed by learned Judicial Magistrate First Class, Batala in case FIR No.30 dated 29.04.2013 registered under Sections 326, 324, 323 and 341 read with Section 34 of Indian Penal Code whereby the petitioner has been declared as a proclaimed offender.

The FIR was recorded on the statement of complainant with the allegations that at the time of pursuing his diploma course of Electrical Engineering from Batala, on 26.04.2013 when complainant went for jogging and when he passed across the bridge at 6.30 p.m., four boys came on two motor cycles. Two of them, namely, Sahibjit Singh (petitioner) and Major Singh were recognized. All four encircled him and Sahibjit Singh exhorted that the complainant be taught a lesson for old altercation which took place during their study course. As per the allegations, the attack was opened by

Sahibjit Singh who gave datar blows on the left leg below the knee and at left arm. The other assailants also participated and caused injuries.

Learned counsel for the petitioner contends that after the registration of the FIR, he had given application to the Police that he is innocent. According to him, inquiry commenced on that application and on 15.12.2013, the petitioner left for Italy and returned back to India on 15.01.2019. It is pointed out that on 30.05.2016, the petitioner was declared proclaimed offender. Learned counsel contends that at the time of occurrence, the petitioner was juvenile and further placed reliance on the judgment passed by Hon'ble Supreme Court titled as "***Abuzar Hossain @ Gulam Hossain Vs. State of West Bengal***" 2012 (4) R.C.R.(Criminal) 796.

The petitioner had previously filed for grant of anticipatory bail and the same was dismissed by this Court vide order dated 29.01.2019. Learned counsel has not disputed the fact that after registration of the case, the petitioner has never associated himself with the investigation or proceedings before the trial Court and has evaded the process of the Court.

Considering the conduct of the petitioner, no case is made out for quashing of the order dated 30.05.2016.

Consequently, petition is dismissed.

05.03.2019

vanita

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No