

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17120-2018

Date of Decision: 03.12.2019

Younis Masih @ Junas Masih

.....Petitioner

Versus

State of Punjab and others

.....Respondents

Present: Mr. S.S. Kainth, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Harnaresh Singh Gill, J.

By way of the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 75 dated 21.06.2005 (Annexure P.1) registered under Sections 323/324/34 IPC at Police Station Adampur, District Jalandhar and the order dated 25.04.2014 (Annexure P.3), vide which the petitioner was declared as a proclaimed offender.

Learned counsel for the petitioner states that during the trial of the case, the petitioner was declared as a proclaimed offender. It is further contended that the complainant had turned hostile and ultimately, the trial Court passed the judgment of acquittal qua the other co-accused on 7.3.2009. It is yet further contended that the petitioner was re-arrested on 31.8.2011 and a supplementary challan was presented against him and thereafter he had been continuously appearing before the trial Court and that due to miscommunication about the disposal of the case, the petitioner had gone abroad, leading to

the passing of the impugned order dated 25.04.2014 declaring the petitioner as the proclaimed offender.

I have heard learned counsel for the petitioner, but I do not find any merit in the present case.

It is not for the first time that the petitioner has been declared as a proclaimed offender. Earlier also, the petitioner had absented himself from the Court proceedings and ultimately, he had been declared as a proclaimed offender and re-arrested on 31.8.2011. Upon his arrest, a supplementary challan was presented against him, but he again stopped appearing before the Court, resulting into the passing of the impugned order dated 25.04.2014 declaring the petitioner as the proclaimed offender.

The absence of the petitioner from the trial Court proceedings is beyond common comprehension, especially when admittedly, the other co-accused stands acquitted vide judgment dated 7.3.2009 passed by the trial Court. This clearly shows that the petitioner is willfully abstaining himself from the Court proceedings. No prudent man can leave the country without ensuring the consequences of his absence from the criminal proceedings before the Court.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

03.12.2019

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No