

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

125

CRM-M-24120-2019 (O & M)
Date of Decision:24.05.2019

Saurav Sehdev @ Sourav Sehdev and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioners.

MANOJ BAJAJ, J.

Petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 20.03.2019 passed by learned JMIC, Jalandhar, whereby petitioners have been declared as proclaimed offender.

Learned counsel for the petitioners contends that the petitioners were indicted in case FIR No.105 dated 10.06.2015 under Sections 325/324/323/34 IPC registered at Police Station Navi Baradari Jalandhar, District Jalandhar wherein they were granted regular bail and they regularly kept on appearing before the Court. However, on 25.01.2018, they could not put in appearance and the bail was cancelled by the learned trial Court. Learned counsel has referred to the order dated 11.04.2018 to contend that though the petitioners were not granted the concession of anticipatory bail, however, it was ordered that the accused Saurav Sehdev and Gaurav Sehdev would surrender before the trial Court within 7 working days and file bail application and the trial Court shall admit them on bail. However, the trial

Court was given liberty to proceed against the petitioners under Section 446 Cr.P.C. According to the learned counsel, the petitioners appeared on 30.04.2018 before the trial Court and witness Dr. Satwinder Singh was summoned. Thereafter the petitioners did not appear as per advice of the counsel.

Learned counsel contends that the address given in the bail application was not followed in the notices issued by the trial Court and finally the Court had proceeded to declare the petitioners as proclaimed offenders. Attention of the Court is invited to the order dated 05.12.2018 to contend that it is House No.19 at GTB Nagar, which was taken as address in respect of the proceedings declaring them proclaimed persons.

Learned counsel for the petitioners does not dispute the fact that the pendency of the proceedings was within the knowledge of the petitioners and, however, he is unable to reveal the address furnished by the petitioners in the bail bonds submitted at the time of grant of bail. Besides, it is apparent that the petitioners are habitually absenting themselves from the Court proceedings without any valid explanation. The ground raised for putting a challenge to the said order is not sufficient enough to interfere with the orders.

At this stage, the counsel has relied upon the judgments of this Court in the case of **Hardev Kaur versus State of Punjab, 2018 (2) Law Herald 1256** and **Prem Singh Premi versus Sarita and another, 2018 (1) RCR (Criminal) 146**. In one of the cases the petitioner was NRI lady, therefore, the facts of the said case were entirely different. In the other case, no service was ever effected upon the accused and the Court had allowed

him to put in appearance and later on, upon compliance of the said order, the impugned order of declaring him proclaimed offender was set aside. Apparently these judgments are absolutely on different set of facts and circumstances as in this case the petitioners willfully absented and had deliberately abandoned the court proceedings.

No ground is made out for invoking the inherent powers under Section 482 Cr.P.C.

Petition stands dismissed.

24.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No