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

CRM-M-8327-2018

Date of decision-26.02.2019

Hardeep Singh Bajwa @ Gurdeep Singh

....Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. SPS Aulakh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

None for respondent No.2.

MANOJ BAJAJ, J.

The petitioner has filed this petition under Section 482 of Code of Criminal Procedure to challenge the orders dated 19.04.2001, 24.07.2001, 24.11.2001, 22.01.2002 and 28.02.2002 (collectively appended as Annexure P-3), whereby the proceedings for declaring the petitioner as proclaimed offender were initiated and concluded.

The petitioner is an accused in case FIR No.107 dated 01.06.2000 registered under Sections 323 and 324 read with Section 34 of Indian Penal Code at Police Station Phillaur, District Jalandhar. Learned counsel for the petitioner has argued that after the registration of the case, the petitioner was granted the concession of regular bail, however, thereafter, the petitioner left India and presently is out of India. The petition

has been filed in the year 2018 on the ground that the name of the petitioner is Hardeep Singh Bajwa whereas as per the proclamation orders it is Gurdeep Singh who is declared as proclaimed offender.

In response to the petition, reply by way of affidavit of Amrik Singh, PPS, Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar on behalf of respondent No.1-State has been filed wherein it is mentioned that after completion of the investigation, final report under Section 173 Cr.P.C was presented before the Court on 17.06.2000 against the petitioner and co-accused, namely, Sukhjit Singh @ Sukha. It is further pointed out that the petitioner and Sukhjit Singh @ Sukha absented from the trial and non-bailable warrants were issued and finally proclamation proceedings were initiated against the accused persons. Vide order dated 18.05.2002, the petitioner was declared as a proclaimed offender. However, the trial in respect of co-accused-Sukhjit Singh @ Sukha ended in acquittal on 05.07.2012.

Learned counsel for the petitioner has argued that the petitioner entered into a compromise with the complainant and thereafter, stopped going to the Court under the belief that it is not required in view of the compromise. It is also argued that the petitioner is actually Hardeep Singh whereas the proclamation is against Gurdeep Singh. According to him, his name is wrongly mentioned as Gurdeep Singh. However, to a Court query, it is not disputed that accused petitioner had appeared before the Court and completed the formalities of bail etc.

After considering the conduct of the petitioner and the fact that

he is still out of India, the argument that the petitioner is not Gurdeep Singh has no merit as in case it is so, then the petitioner Hardeep Singh has no cause of action to challenge the orders. If the petitioner is also known as Gurdeep Singh even then no indulgence can be shown as the petitioner/Hardeep Singh @ Gurdeep Singh has wilfully and deliberately absented from the Court proceedings compelling the Court to initiate the proceedings under Section 82 Cr.P.C against him. No other point was argued. No ground is made out to interfere.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

26.02.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No