

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

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CRM-M-26515-2019 (O & M)
Date of Decision:04.07.2019

Joga Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C. setting aside the order dated 01.05.2019 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Ajnala in case FIR No.47 dated 05.05.2018 under Sections 364, 307, 148, 149 IPC and Section 25 of Arms Act registered at Police Station Ramdas, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner contends that the victim while deposing before the Court as PW-2 has exonerated the accused. Reliance is also placed upon the affidavit given by Harbhal Singh @ Bhalla, wherein he has exonerated the petitioner.

Considering the nature of the offence and the fact that the deposition of the complainant-Harpal Singh as PW-2 before the Court was not in respect of the petitioner as he was not present as an accused before the Court and, therefore, no benefit can be derived by the petitioner out of it. Similarly, the affidavit is meaningless considering the nature of the offence which is punishable under Section 307 IPC.

At this stage, learned counsel for the petitioner contends that a statutory period of 30 days was not given before declaring the petitioner as proclaimed person as the proclamation was issued on 07.02.2019 and the same was executed on 26.03.2019.

A perusal of the impugned order reveals that on 26.03.2019, it was the report which was received regarding execution. He has failed to produce anything to support his contention that the statutory period of 30 days was not given before declaring him P.O.

In view of the above, no ground is made out as prayed for.

Petition stands dismissed.

04.07.2019

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(MANOJ BAJAJ)
JUDGE

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