

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29248-2019 (O&M)

Date of decision-15.07.2019

Amritpal Singh @ Mattu and another

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.S.Diwana, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 482 Cr.P.C for quashing the order dated 12.05.2017 whereby the learned Judicial Magistrate First Class, Rupnagar has proceeded to declare the petitioners as proclaimed offenders in case FIR No.77 dated 10.10.2016 registered under Sections 307 and 302 read with Section 34 of Indian Penal Code and Sections 27 and 54 of Arms Act, at Police Station Singh Bhawantpura, District Rupnagar.

Learned counsel for the petitioners contends that in the FIR, the allegations were made against Balwinder Singh @ Bhoora and his son Khushpreet Singh who along with 3-4 other persons attacked the complainant. According to him, it was the gunshots fired by Balwinder Singh @ Bhoora which hit Baljit Singh (complainant). In the said occurrence, Baljit Singh @ Gullu had died.

Learned counsel submits that during investigation on 11.10.2016, while recording the statement of witnesses, the petitioners along

with few other persons were indicted in the FIR. He submits that an application regarding the innocence was given to Senior Superintendent of Police, Rupnagar whereupon inquiry was marked to Superintendent of Police (Investigation), who found all the persons innocent except the petitioners. It is not disputed by learned counsel that no application for bail was submitted by the petitioners. It is apparent that the petitioners were well aware of the case and the proceedings pursuant to it, however, they have chosen not to associate themselves with the case proceedings.

A perusal of the impugned order reveals that the effective summons were served upon the accused persons, however, they have failed to appear before the Court. The Court recorded the satisfaction and passed the order declaring the petitioners and others as proclaimed offenders. It is also evident from the impugned order that despite the service of proclamation, some of the accused sought time for putting in appearance before the Court. It leaves no room for any doubt that the accused were keeping a close watch on the proceedings of the case FIR in question, however, have deliberately evaded their appearance.

In view of the above, no ground is made out for quashing the order dated 12.05.2017.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

15.07.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No