

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

Criminal Misc. No.M-37481 of 2019 (O&M)

Date of Decision: September 06, 2019

Sarabjit Singh Dosanjh

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhriagu Dutt Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Petitioner had earlier filed two petitions in the year 2006 and 2008, which were dismissed as withdrawn and after a gap of 11 years, he had again come up with this petition despite fully knowing the fact that he is a proclaimed offender for the last about 12 years. He had remained silent during this long period even after the dismissal of earlier petitions.

Learned counsel for the petitioner points towards order dated 19.08.2011, whereby co-accused Jaskaran Singh, who was also a proclaimed offender, was permitted to appear in Court and order declaring him proclaimed offender was set aside. He further submits that this order has given the petitioner cause of action to file this third petition.

It is evident that petitioner has not bothered to appear in Court despite knowledge of the fact that he has been declared proclaimed

offender. It is not a case where he is not aware of the order declaring him proclaimed offender. Earlier, he had filed two petitions i.e. CRM-M No.78869 of 2006 and CRM-M No.14685 of 2008, which were dismissed as withdrawn. Even order with regard to co-accused Jaskaran relied upon by learned counsel for the petitioner is of the year 2011.

The question, which arises for consideration is as to whether a person, who has avoided his appearance for such a long time despite being declared proclaimed offender and having knowledge of this fact, can be provided any relief of quashing of order declaring him proclaimed offender in this petition under Section 482 Code of Criminal Procedure.

It is well settled principle of law that a person seeking the relief of equity and exercise of discretionary power of this Court, must exhibit his equitable behaviour with regard to compliance of legal provisions. For a long period of about 12 years, petitioner had avoided to appear in Court despite dismissal of his petition seeking quashing of order declaring him proclaimed offender.

At this stage, after a lapse of such a long period, I find no reason to invoke the discretionary power of this Court in favour of petitioner. This petition has no merits.

Dismissed.

At this stage, learned counsel for the petitioner has made uncalled for remarks that different Benches make different orders, without coming up with any explanation about delay of about 11 years in filing this petition after dismissal of earlier petition and 8 years' delay after order dated 19.08.2011 (Annexure P-5).

I do not wish to comment on the above remarks of learned counsel for the petitioner, which appears to have been made in desperation or frustration.

September 06, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***