

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

CRM-M-522-2020 (O&M)

Date of Decision:- 9.1.2020

Daljit Singh @ Kaka

... Petitioner

Versus

State of Punjab and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarju Puri, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner Daljit Singh @ Kaka has approached this Court challenging order dated 16.7.2007 (Annexure P-1) passed by learned SDJM, Nawanshahr in criminal Complaint No.35/1 of 2002 whereby the petitioner has been declared a proclaimed offender.
2. The aforesaid complaint had been instituted by complainant Gurdial Singh wherein the present petitioner along with other accused had been summoned for allegedly having committed offences under Section 323/149, 148 IPC. Although, the petitioner had initially associated with the proceedings of the trial and had been appearing before the Trial Court for about 4-5 years but subsequently, he absented from the proceedings of the trial on 20.3.2007 and despite issuance ofailable and non-ailable warrants, his presence could not be secured and consequently, proclamation proceedings were initiated

and ultimately, he was declared as proclaimed offender vide order dated 16.7.2007.

3. The learned counsel for the petitioner has submitted that a false complaint was instituted against the petitioner and other accused by respondent No.2 Gurdial Singh and that the falsity of the case would be evident from the fact that all the other co-accused who had faced trial have since been acquitted by the Court of learned SDJM, Nawanshahr vide judgment dated 13.8.2007 (Annexure P-3). The learned counsel has submitted that the entire proceedings against the petitioner are an abuse of process of law based on a false complaint and that in these circumstances, the impugned order dated 16.7.2007 also deserves to be set aside.
4. I have heard the learned counsel for the petitioner and have also perused the impugned order.
5. In the present case, the petitioner having been summoned by the trial Court had appeared before the trial Court but subsequently, he absented on 20.3.2007 and thereafter despite issuance of bailable and non-bailable warrants he never chose to put in appearance. It is a case of continuous intentional absence from the Court and evading of execution of warrants of arrest. In these circumstances, the trial Court was fully competent to initiate proceedings for declaring the petitioner as proclaimed offender. No infirmity could be pointed out by the learned counsel in the impugned order dated 16.7.2007 or in the procedure adopted by the trial Court for declaring the petitioner as proclaimed offender. As such, this Court does not find any

ground to interfere with the impugned order dated 16.7.2007 and the same is upheld. There is no merit in this petition and the same is hereby dismissed.

9.1.2020

kamal

(Gurvinder Singh Gill)
Judge

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