

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1100-2020 (O&M)

Date of Decision:- 14.1.2020

Pritpal Singh @ Pappa and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umesh Aggarwal, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court assailing order dated 10.12.2019 passed by learned Judicial Magistrate 1st Class, Amritsar (Annexure P-7) whereby the petitioners have been declared 'Proclaimed Offender'.
2. Learned counsel for the petitioners has submitted that they had been summoned with the aid of Section 319 Cr.P.C. initially vide order dated 9.6.2017 (Annexure P-1) which they challenged by way of filing a revision petition which was accepted and the matter was remanded back to Judicial Magistrate 1st Class be decided afresh by the learned Judicial Magistrate 1st Class. It has been submitted that pursuant to the said order, the matter was considered afresh by learned Judicial Magistrate 1st Class who again passed an order for

summoning the accused with the aid of Section 319 Cr.P.C. vide order dated 3.7.2018 (Annexure P-4).

3. Learned counsel has further submitted that the petitioners thereafter challenged the order dated 3.7.2018 (Annexure P-4) by way of filing revision petition but the same was ultimately dismissed on 27.11.2019 (Annexure P-6).
4. It has been submitted that somehow the counsel representing the petitioners before the Court of learned Additional Sessions Judge, Amritsar, never informed them about the dismissal of the aforesaid petition on 27.11.2019 and consequently the petitioners being unaware did not appear before the trial Court concerned leading to the petitioners being declared as 'Proclaimed Offender'.
5. It has further been submitted that absence of the petitioners was not intentional and they were always ready and willing to associate with the proceedings of the trial and that their absence was solely on account of the lack of information which their counsel did not furnish to them as regards dismissal of the revision petition.
6. I have considered submissions raised before this Court. The sole ground raised on behalf of the petitioners is that their counsel did not inform them about the dismissal of their revision petition by learned Additional Sessions Judge on 27.11.2019. However, it remains unexplained as to why the petitioners never chose to take any action against the counsel who did not furnish the requisite information. It is very convenient for any accused to raise such kind of allegation against the counsel. In the absence of any convincing evidence to

support the said plea this Court is not inclined to accept the aforesaid explanation. This Court does not find any infirmity in the impugned order and the same is upheld. The petition, as such, is sans any merit and the same is hereby dismissed.

7. However, it is ordered that in case the petitioners surrender before the trial Court within a period of one week from today and apply for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously, preferably within a period of two days from filing of such application keeping in view the fact that the petitioners have been summoned with the aid of Section 319 Cr.P.C.

January 14, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No