

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

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CRM-M-8163-2020.

Date of Decision: 25.02.2020.

Sandeep Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate for petitioner.

Lalit Batra, J.(Oral)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 14.09.2017 (Annexure P/2) in case F.I.R. No.14 dated 15.01.2015 under Section 22 of N.D.P.S. Act, registered at Police Station Sadar Zira, District Ferozepur, in terms of which, petitioner has been declared proclaimed person and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that though petitioner joined the proceedings of trial in the above said case FIR, but later on he could not appear in Court and vide order dated 14.09.2017, he was declared proclaimed person. He further submits that on these very allegations, co-accused Beant Singh has already been acquitted of charge, vide judgment of acquittal dated 17.09.2019 (Annexure P/3). He further submits that petitioner is ready to join proceedings of above said case FIR and as such, impugned order dated 14.09.2017 (Annexure P/2) may be

A bare perusal of record reveals that though after presentation of challan in Court, copies of challan and other documents were supplied to petitioner and co-accused Beant Singh but well prior to framing of charge, petitioner did not appear in Court and then after issuance of repeated warrants of arrest and proclamation, his presence could not be secured and vide order dated 14.09.2017, he was declared proclaimed person. Further, a bare perusal of judgment dated 17.09.2019 (Annexure P/3) clearly reveals that co-accused Beant Singh was charge-sheeted to face trial for commission of offence punishable under Section 22 of N.D.P.S. Act and after having faced trial, he was acquitted of charge levelled against him. In this manner, petitioner never participated in the trial and in fact trial had commenced and culminated only qua co-accused Beant Singh. In view of above, once petitioner has misused the concession of bail, he cannot take benefit of judgment of acquittal dated 17.09.2019 rendered qua co-accused Beant Singh. No extraordinary ground has been made out in favour of petitioner for grant of pre-arrest bail. Thus, instant petition is dismissed.

(LALIT BATRA)
JUDGE

25.02.2020
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No