

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-13.01.2020

1. CRM-M-6169-2018

Jaswant Singh @ Bant

...Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-6292-2018

Jaswant Singh @ Bant

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Sodhi, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Gagandeep Singh Sirphikhi, Advocate for complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner-Jaswant Singh @ Bant (proclaimed offender) has filed above mentioned two petitions i.e. CRM-M-6169-2018 under Section 482 Cr.P.C seeking quashing of FIR No.15 dated 27.01.2008 registered under Sections 379 and 411 of Indian Penal Code, 1860, Police Station Goraya, Phillaur and CRM-M-6292-2018 for quashing of impugned order dated 22.02.2010 whereby he was declared proclaimed offender.

Since both the petitions are arising from one FIR, therefore, these are being decided by this common order. However, the facts are being

extracted from CRM-M-6169-2018.

Learned counsel for the petitioner contends that the petitioner who was on regular bail during pendency of the trial, had left India to join the company of his sister and mother in Italy. Since the petitioner had absented, therefore, the trial Court proceeded to cancel his bail vide order dated 15.10.2009, who was later on declared proclaimed offender vide order dated 22.02.2010. He further contends that during the pendency of the trial, co-accused, Mangal Singh @ Manga passed away, whereas the trial against other co-accused, namely, Sukhwinder Singh and Gurpreet Singh ended in their acquittal vide judgment dated 02.08.2013. Learned counsel has placed reliance upon the “*Sudo Mandal @ Diwarak Mandal Vs. State of Punjab*”, *2011 (2) R.C.R. (Criminal) 453*, to contend that the trial in respect of his co-accused has ended in acquittal, therefore, the continuation of trial in respect of the petitioner is meaningless and FIR as well as the order declaring him proclaimed offender deserve to be quashed.

In the connected petition, the order dated 22.02.2010, whereby the petitioner was declared proclaimed offender has been challenged on the similar grounds.

After hearing learned counsel for the petitioner, this Court does not find any reason to entertain the petition considering the conduct of the petitioner who abandoned the trial proceedings deliberately and willfully, and left India without the permission of the trial Court. These petitions have been filed after a long delay of 08 years after his being declared as proclaimed offender.

The reliance placed upon judgment passed in Sudo Mandal's case, cannot be helpful to the petitioner in view of the decision of this Court in *Harpreet Singh Vs. State of Punjab and another, CRM-M-21911-2019*". It may be added here that during the course of hearing, it is not disputed by learned counsel for the petitioner that the petitioner is still residing abroad and is yet to return back to India.

In view of the above, this Court does not find any valid reason to exercise the inherent powers under Section 482 Cr.P.C for quashing of FIR No.15 dated 27.01.2008 registered under Sections 379 and 411 IPC at Police Station Goraya, Phillaur and the order dated 22.02.2010 (Annexure P-2).

Both petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

13.01.2020

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No