

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

CRM-M-32643 of 2020 (O&M)

DATE OF DECISION :- December 03, 2020

Jayant Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate
with Dr. Puneet Kaur Sekhon, Advocate for the petitioner.

The case has been taken up through Video Conferencing.

Petitioner Jayant Kumar, who has been declared as a proclaimed offender in F.I.R. No. 0635 dated 3.11.2016 for offences under Sections 420 and 406 IPC by ACJM, Fatehabad vide order dated 4.5.2019 has approached this Court by way of filing petition under Section 482 Cr.P.C. seeking setting aside of that order. However, in view of judgment passed by a coordinate Bench of this Court in case titled 'Mehnga Singh versus State of Punjab 2002(1) CLJ (Criminal) 302' wherein it was observed that when an accused has been declared as a proclaimed offender petition against the order under Section 482 Cr.P.C. is not maintainable, the accused should first move the Court who had declared him a proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and power under Section 482 Cr.P.C. is not to be exercised in favour of a

person who is absconding or avoiding service.

Therefore, the present petition is dismissed directing the petitioner to surrender before the trial Court within seven days from today. On his doing so and moving application for regular bail, such application be decided expeditiously. A copy of this order be sent to the Court concerned through District and Sessions Judge.

(H.S. MADAAN)
JUDGE

December 03, 2020
p.singh

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