

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

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**CRM-M-32642-2020 (O&M)
Decided on : 14.10.2020**

Narinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Akbarjit Singh, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Sections 482 Cr.P.C., for quashing of order dated 21st August, 2018 (Annexure P-1), passed by learned Additional Chief Judicial Magistrate, Kapurthala, whereby, the petitioner was declared proclaimed offender, in case 'State Vs. Narinder Singh', FIR No. 94, dated 08.07.2017 (wrongly mentioned as 07.07.2017 in Annexure P-1), under Sections 323, 324, 326, 34 IPC, registered at Police Station Sadar, Kapurthala.

Learned counsel for the petitioner *inter alia* contends that the impugned order dated 21st August, 2018 (Annexure P-1) has been passed without adhering to the provisions of Section 82 Cr.P.C. It has been submitted that the petitioner being a resident of England should have been served at his address in England and not at the address, he was shown to have been served in India and which, in fact, was an incorrect address. It has been further contended that the complainant in connivance with the police has falsely implicated him in the FIR in question, which fact is substantiated from the entries in his Passport, which is annexed as Annexure P-3, wherein, it is clearly reflected that the petitioner had flown out of India in the morning of 09th July, 2017, which was soon after the alleged occurrence, stated to have taken place

at Jwalapur, Kapurthala on 08th July, 2017. Hence, his presence at Jwalapur, Kapurthala at the alleged place and time of occurrence would not have been possible.

Heard and perused the impugned order.

The submissions of the petitioner that he was declared a proclaimed offender behind his back deserves to be discarded, more so, as it is his admitted case that he was very much present in India on the day of alleged occurrence. The reliance placed upon Annexure P-3, which is a copy of the petitioner's passport to show his departure for England on 09th July, 2017, would not in any way come to the rescue of the petitioner, as admittedly, the occurrence in question had taken place at 12:00 noon on 08th July, 2017, much prior to his departure for England on 09th July, 2017.

On a pointed query put to the learned counsel for the petitioner, he conceded that the flight of the petitioner was in the morning of 09th July, 2017. In the circumstances, the contention of the learned counsel for the petitioner that the petitioner could not have possibly been presented at village Jwalapur, Kapurthala, at the time of alleged occurrence, is bereft of merit, as the distance between Kapurthala and Delhi can be covered easily within 6 to 7 hours. Further, it cannot be believed that subsequent to his departure for England on 09th July, 2017, the petitioner did not come to know about the registration of the FIR in question against him, as it is his admitted case that his relatives do reside in village Jwalapur, Kapurthala, where the affixation in pursuance to the proceedings under Section 82 Cr.P.C., was made. Not only, this, a perusal of Annexure P-3, reveals that the petitioner continues to be an Indian Passport holder. Thus, the proclamation etc. has been done as per the address and particulars provided by him in his official documents including passport.

In the facts and circumstances of the case, no ground is made out to interfere in the impugned order dated 21st August, 2018 (Annexure P-1). Consequently, the instant petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 14, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*