

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

**CRM-M-3526-2021 (O&M)
Date of decision : 18.03.2021**

Dalbir Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

AMOL RATTAN SINGH, J (ORAL)

By this petition, the petitioner seeks quashing of the order dated 29.09.2016, vide which the petitioner has been declared to be a proclaimed offender in case FIR No.73 dated 11.03.2010, registered at Police Station Jagraon, District Ludhiana, for the alleged commission of offences punishable under the provisions of Sections 365, 323, 148 and 149 of the IPC and Section 25 of the Arms Act.

Today, learned counsel for the petitioner points to the orders passed by the learned trial court on 11.07.2016, 29.08.2016 and 29.09.2016 (all collectively part of Annexure P-4).

He submits that thereafter the petitioner having been admitted to bail, eventually he did not appear before the learned trial court, leading to the aforesaid proceedings and him being declared to be a proclaimed offender.

He further submits that, however, all other co-accused of the petitioner having been acquitted by the trial court vide its judgement dated 12.10.2016 (Annexure P-3), the petitioner may be allowed to surrender before the trial court and admitted to bail immediately, after which he would, of course, continue to appear before that court as and when summoned to face trial.

Having considered the matter, once, admittedly the petitioner having been admitted to bail after he had been arrested; and thereafter he having jumped bail and having even gone abroad (as has been contended by learned counsel), in the year 2015, I would see absolutely no reason to allow this petition, even if his co-accused have been acquitted in the trial.

Very equally obviously, the petitioner having evaded trial at that stage, court proceedings have to re-start all over again for him only, because he jumped bail and decided to leave India without permission of the court.

Whether or not he is guilty of having committed the offences in question, obviously would be a matter of evidence to be led and appraised.

Consequently, finding no merit in this petition, whatsoever, it is dismissed.

However, nothing stated hereinabove will, naturally, be taken as an observation of the merits of the FIR registered, arraigning the petitioner as an accused therein, which naturally would be considered as per the evidence led before the trial court.

Also, if upon arrest/surrender, the petitioner files any application under the provisions of Section 439 of the Cr.P.C., that would be decided wholly on its own merits, regardless of the fact that this petition has been dismissed, which is one seeking quashing of the order by which the petitioner was declared to be a proclaimed offender.

(AMOL RATTAN SINGH)
JUDGE

18.03.2021

Dinesh

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