

CRM-M-11795 of 2021

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

**CRM-M-11795 of 2021
Date of decision:16.03.2021**

Sukhbaj Singh alias Baja

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harchand Singh Baath, Advocate
for the petitioner.

SUVIR SEHGAL, J.

The hearing of the matter has been taken up through video conferencing on account of outbreak of Covid-19 pandemic.

Through the instant petition filed under Section 482 of the Code of Criminal Procedure, the petitioner is seeking quashing of FIR No.216 dated 16.11.2014 (Annexure P-1) for offences under Sections 15, 18, 21, 22 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “the NDPS Act”), Section 25 of the Arms Act, 1959, Section 489-A, 489-B, 489-C of Indian Penal Code, 1860 registered at Police Station Jhabhal, District Tarn Taran and all consequential proceedings arising therefrom.

Facts, in brief, are that the above mentioned FIR has been registered on the basis of a secret information, wherein 37 persons including

the petitioner, Sukhbaj Singh have been named on the allegations that they are indulging in smuggling of intoxicants, weapons, and fake currency notes. They are alleged to be members of gang operating in the area.

Counsel for the petitioner submits that the petitioner was not in India when the impugned FIR was registered. He has placed reliance upon the Passport (Annexure P-2) to advance his argument. He submits that the petitioner came to know about the pendency of FIR when the police started raiding his place.

I have considered the submission advanced by the counsel for the petitioner.

The accusations levelled against the petitioner are of a very serious nature. He is alleged to be a member of gang, who are operating in one of the boarder district of the State and indulging in sale and trade of intoxicating substance, weapons and fake currency notes. Perusal of the petition shows that the petitioner does not have clean antecedents. He was arrested in FIR No.55 dated 01.06.2013 under Section 21 of NDPS Act registered at Police Station Jhabhar, District Tarn Taran and he remained in custody for about six months from 15.06.2020 after which he was granted bail. Still further, the petitioner was declared as a Proclaimed Offender as a result of which FIR No.267 dated 15.06.2020 has been registered against him under Section 174A IPC at the same police station. A person, who has been absconding and evading the process of law, does not deserve any relief from the Court. Even in case, as urged by the counsel for the petitioner that the petitioner was abroad and not involved in the nefarious activities, it is

always open to the petitioner to join the investigation and produce all the material before the investigating officer. Moreover, challenge to the impugned FIR, is being made, after a period of more than 06 years for which no satisfactory explanation has been given. Merely stating that the petitioner was not aware of the pendency of the criminal case against him is not sufficient.

There is no merit in the petition and the same is accordingly dismissed.

It is clarified that anything said hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 16, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No