

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

CRM-M-17828-2021 (O&M)

Date of decision: 29.06.2021

Gurmeet Singh @ Gurmeet Singh Mand

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. N.S. Dadwal, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition has been filed by petitioner Gurmeet Singh @ Gurmeet Singh Mand, an accused in FIR No.228 dated 05.08.2017, for offences under Sections 376, 511, 342, 323, 498-A, 120-B IPC (Sections 376, 511, 342, 323 and 120-B IPC deleted later on), registered with Police Station Sidhwan Bet, District Ludhiana Rural, who has been declared as a proclaimed offender by the Court of Judicial Magistrate Ist Class, Jagraon, vide order dated 19.03.2021.

In **Mehnga Singh Vs. State of Punjab, 2002 (2) RCR (Criminal) 501**, a Co-ordinate Bench of this Court has observed that when an accused has been declared as a proclaimed offender, a petition under Section 482 Cr.P.C., impugning that order is not maintainable and accused should first move the Court which 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 that power under Section 482 Cr.P.C., is not to be exercised in favour of a person, who is absconding or avoiding service.

In this case, the petitioner instead of surrendering before the Magistrate, who had declared him as proclaimed offender, has opted to approach this Court seeking quashing of that order. Prima facie, there is nothing to justify doing so by this Court. Furthermore, another thing to be noted is that the petitioner himself being in United Kingdom has filed the present petition through his attorney without subjecting himself to the jurisdiction of this Court. On that score also, the petition is not maintainable. Therefore, the same stands dismissed accordingly.

29.06.2021

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(H.S. MADAAN)
JUDGE

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