

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CRM No. M-35217 of 2021
Date of Decision : 31.08.2021

Pardeep

...Petitioner

Versus

State of Haryana and another

...Respondents

(through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. N.K. Malhotra, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed challenging the order dated 22.01.2016 (Annexure P-4) by which the petitioner was declared as a Proclaimed Offender in FIR No. 240 dated 08.06.2013, registered under Sections 3, 4, 5 of Immoral Traffic Act, 1956 at Police Station Urban Estate, Rohtak.

Learned counsel for the petitioner submits that as the other co-accused have already been acquitted, therefore, the order dated 22.01.2016 (Annexure P-4) declaring the petitioner as proclaimed offender, has lost its sanctity and, therefore, the same should be quashed. Learned counsel for the petitioner further submits that as the co-accused have already been acquitted, the allegations alleged in the FIR against the petitioner need no trial and, therefore, the petitioner has a right to seek quashing of order dated 22.01.2016 (Annexure P-4) declaring him proclaimed offender.

I have heard learned counsel for the petitioner and have gone

through the record with his able assistance.

The petitioner has been successful in evading the law for the last more than 8 years. Even as of now, on being asked, whether the petitioner is ready to surrender, learned counsel for the petitioner submits that as the petitioner is 63 years of age, he does not intend to go to Jail. If this is the attitude of a proclaimed offender, no discretion can be exercised in favour of such accused.

Learned counsel for the petitioner has not been able to point out any illegality in the order dated 22.01.2016 (Annexure P-4) by which the petitioner was declared proclaimed offender. In the absence of any illegality merely on the ground that the co-accused have been acquitted, does not render the order declaring the petitioner as proclaimed offender in-effective.

Learned counsel for the petitioner argues that co-accused, namely, Sonia, Parveen, Manjeet, Deepak and Rajesh have been acquitted and hence, the allegations against the petitioner as alleged in the FIR are liable to be ignored. This argument is also not correct. The allegations in the FIR against the petitioner are not the same as that of co-accused Sonia, Parveen, Manjeet, Deepak and Rajesh. Hence, the claim of the petitioner that co-accused have been acquitted by the Court and hence, the charges alleged against him in the FIR need not to be tried, cannot be accepted.

As the petitioner despite being a proclaimed offender has refused to surrender before the authorities, no ground is made out to interfere with the order dated 22.01.2016 (Annexure P-4).

Dismissed.

August 31, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No