

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
111) CRM-M-42888 of 2020 (O&M)
Date of Decision: 22.01.2021

Anmol Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Deepinder Brar, Advocate, for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

This petition has been filed seeking quashing of the impugned order dated 09.04.2018 (Annexure P-1), vide which the petitioner has been declared to be a proclaimed offender in case FIR no.91, dated 17.09.2017, registered at Police Station Badhni Kalan, District Moga, for the alleged commission of offences punishable under Sections 399, 402 and 473 of the IPC and Section 25 of the Arms Act, 1959, with a further prayer made therein that during the pendency of the present petition, the operation of the impugned order be stayed.

Though learned counsel for the petitioner has tried to defend the petitioner on the merits of the 'main case' against the petitioner (alleging therein the commission of offences punishable under Sections 399, 402 and 473 of the IPC and Section 25 of the Arms Act, 1959), however, what is challenged by this petition is the order of the learned SDJM, Nihal Singh Wala, District Moga (copy Annexure P-1), by which the petitioner has been declared to be a proclaimed offender, he not having answered the summons/warrants issued to secure his presence, with him not having

appeared before the trial court even in response to the process issued under Section 82 of the Cr.P.C.

Upon query as to why then this court should interfere in the matter regardless of whether or not the petitioner has a good case on the merits of the allegations in the FIR, this only being a petition challenging the order declaring him to be proclaimed offender, learned counsel really has no answer as regards the impugned order, that being factually so, on record, though he has again attempted to defend the matter on the merits of the case registered against the petitioner.

That being so, without making any comment on the merits of the allegations made against him in the FIR in question, I see no reason to interfere with the impugned order, with the petitioner obviously having not even appeared before the trial court even to present his case on merits.

Consequently this petition is dismissed.

22.01.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No