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

**CRM-M-50892-2021 (O&M)
Date of Decision: 06.12.2021**

Jakharadin @ Khan

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Hitesh Verma, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the impugned order dated 16.01.2020 (Annexure P-6) passed by Id. ACJM, Barnala in case FIR No.42 dated 15.07.2019, registered under Sections 22 and 29 NDPS Act, 1985, at Police Station Rureke Kalan, Barnala, whereby he was declared proclaimed offender.

Learned counsel for the petitioner has argued that the order dated 16.01.2020 (Annexure P-6) declaring the petitioner as proclaimed offender is not sustainable, as on the said date fixed for his appearance, he was already in prison pursuant to his conviction recorded in case FIR No.68 dated 18.09.2016, under Section 304-B IPC, registered at Police Station Sadar, Rampura He submits that the said judgment was delivered on 08.01.2020 and, therefore, the impugned order declaring the petitioner as proclaimed offender deserves to be set aside.

During the course of hearing, it is not disputed by learned counsel that in case FIR No.68 dated 18.09.2016, under Section 304-B IPC, registered at Police Station Sadar, Rampura, the petitioner was on bail and

admittedly, when the notice of proclamation was served, the petitioner was not in custody.

After hearing the learned counsel, this Court is of the opinion that merely because the petitioner was confined in prison on the date of appearance would not be enough to interfere with the order dated 16.01.2020, as it is not the case of the petitioner that he was not served with the said proclamation notice. Concededly, it is the candid stand of the petitioner that previously for execution of the non-bailable warrants, when the police reached at his house, his father informed the police that his son was in Rajasthan. It is not the case of the petitioner that he was not aware of the subject FIR or that the Court is taking steps to secure his presence. Except for this ground that petitioner being in custody failed to appear, no other ground has been raised by the learned counsel. It seems that the petitioner has been keeping close watch on the proceedings of the case, but had chosen not to appear before the trial Court, and has challenged the order dated 16.01.2020 after a long delay and that too at a stage when he is already confined in custody.

Resultantly, considering the above background, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C.

Dismissed.

06.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No