

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

CRM-M-5921-2022

Date of decision-17.02.2022

Charanjit

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of the order dated 16.04.2014 passed by Judicial Magistrate First Class, SBS Nagar, whereby he was declared proclaimed offender in case FIR No.31 dated 28.04.2013 registered under Sections 323, 324, 148 and 149 Indian Penal Code, 1860 at Police Station City Banga, District SBS Nagar.

Learned counsel for the petitioner has argued that the order dated 16.04.2014 declaring him a proclaimed offender is not sustainable as a period of 30 days was not given to the petitioner for putting in his appearance. He has invited the attention of the Court to the order dated 16.04.2014 (Annexure P-5) and contended that the proclamation was effected on 24.01.2014 and the case was adjourned to 20.02.2014 and for giving 30 days time, it was again adjourned to 16.04.2014, but without issuing any fresh proclamation. He has further argued that the co-accused of the petitioner has already been acquitted,

therefore, the prosecution of the petitioner would be meaningless and prays for quashing of the impugned order dated 16.04.2014.

During the course of hearing, it is not disputed by learned counsel that after registration of the case, petitioner had furnished the bail bonds before police, as the offences were bailable in nature, but he left India during the pendency of the case without any intimation. He fairly states that even today, petitioner is abroad and when the proceedings under Section 82 Cr.P.C were carried against him, at that time also he was not in India.

After hearing learned counsel for the petitioner, this Court does not find any merit in this petition as the petitioner was well aware of the case proceedings against him and never made any effort to associate himself with the case proceedings and even at the stage of proceedings under Section 82 Cr.P.C the accused did not show any inclination to appear before the Court, therefore, the grounds raised by the petitioner for setting aside the order dated 16.04.2014 cannot be entertained after a long and unexplained delay.

Resultantly, no case is made out for exercising the inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

17.02.2022

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No