

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

CRM-M-22536-2022

Date of decision : 23.05.2022

Harninder Singh @ Harninder Singh Johal ...Petitioner

Vs.

State of Punjab and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Singh Mann, 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 23.08.2018 passed by Sub Divisional Judicial Magistrate, Zira, whereby he was declared proclaimed person in case FIR No.112 dated 06.07.2013 under Sections 452, 326, 325, 323, 148 and 149 IPC at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner has argued that that the petitioner was granted anticipatory bail vide order dated 23.04.2014, but during the trial, he absented on 29.01.2018 and on account of his absence, Court proceeded to cancel the bail and issued the non-bailable warrants, and subsequently he was declared proclaimed person vide order dated 23.08.2018 (Annexure P-2). According to learned counsel, since his co-accused have been acquitted vide order dated 14.09.2018 (Annexure P-3), therefore, continuation of trial qua him would be nothing but wastage of precious time of the Court and on these grounds, the petitioner had filed CRM-M-24902-2021 seeking quashing of the FIR, however, the same was withdrawn, therefore, petitioner has filed this petition seeking quashing of

the impugned order dated 23.08.2018.

During the course of hearing, it is not disputed by learned counsel that after registration of the case, petitioner was released on bail, but he left India during the pendency of the case without any intimation and thereby violated the conditions of bail. 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 23.08.2018 cannot be entertained after a long and unexplained delay.

Apart from it, the accused has filed this petition through Special Power of Attorney and in view of the decision dated 16.07.2021 passed in CRM-M-26957-2021 titled “*Sarabjit Singh Vs. State of Punjab and another*”, petition in this form is also not maintainable.

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

Dismissed.

(MANOJ BAJAJ)
JUDGE

23.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No