

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-47059-2022 in/and
CRM-M-41443-2022 (O&M)
Date of Decision:-15.12.2022

Amanjot Singh Rajpal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manpreet Singh Kanda, Advocate and
Ms. Pridhi Jaswinder Sandhu, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.

CRM-47059-2022

In view of the reasons mentioned in the application, the same is allowed and the documents i.e. proclamation notice, report and statement of service official and copy of zimini orders are placed on record as Annexure P-9 to Annexure P-12.

CRM-M-41443-2022 (Main Case)

1. The petitioner seeks quashing of order dated 1.4.2022 passed by learned Judicial Magistrate First Class, Dasuya, Hoshiarpur vide which the petitioner has been declared a proclaimed person as well as quashing of FIR No. 112 dated 25.5.2019, Police Station Tanda, District Hoshiarpur, under Sections 406, 420 IPC on grounds of compromise.

2. The facts, in nutshell, are that respondent no. 2 lodged FIR No. 112 dated 25.5.2019, Police Station Tanda, District Hoshiarpur wherein it is alleged that the petitioner alongwith co-accused had defrauded the complainant of an amount of ₹2.40 lacs.
3. The learned counsel for the petitioner submits that since the matter has been amicably resolved amongst the parties, the FIR as well as order dated 1.4.2022 passed by JMIC, Dasuya declaring the petitioner as proclaimed person deserves to be quashed.
4. This Court has heard the learned counsel for the petitioner and has also perused the documents annexed with the petition and also the documents placed on record subsequently by way of an application. It is noticed that the following dates would be relevant so as to examine the propriety of the impugned order declaring the petitioner as proclaimed person :-

Date	Event
22.12.2021	JMIC, Dasuya ordered for issuance of proclamation so as to secure the presence of the petitioner for 4.2.2022.
24.12.2021	Proclamation was effected
04.02.2022	Petitioner – Amanjot Singh Rajpal did not appear despite proclamation and the matter was adjourned to 17.3.2022 for awaiting his presence.
17.03.2022	The petitioner was again not present despite proclamation and consequently, the serving official was ordered to be summoned for 1.4.2022.
01.04.2022	Statement of serving official was recorded and petitioner was declared proclaimed person.

5. The aforesaid dates would indicate that at the time of issuance of proclamation vide order dated 22.12.2021, the accused was directed to appear on 4.2.2022. The proclamation was effected within two days i.e. on 24.12.2021 but the accused did not turn up on the nominated date and was ultimately declared proclaimed person on 1.4.2022. A period of 30 days after the proclamation was effected on 24.12.2022 upto the date nominated for causing his appearance i.e. 4.2.2022 has been afforded by the learned JMJC which is required as per provisions of Section 82 Cr.P.C.
6. Though, the learned counsel for the petitioner submitted that the petitioner was not residing at the given address where proclamation was effected, but this Court is unable to accept the said contention, given the fact that the Councillor of the area categorically stated that he knows the accused/petitioner Amanjot Singh Rajpal and that he resides at the given address i.e. H.No. 88, Hardev Nagar, Jalandhar where he was not found present. The statement (Annexure P-10) of M.C. Smt. Sarfo Devi is reproduced herein under :-

“I am current MC of aforementioned address and I know all the individuals of my ward. I also know Amanjot Singh Rajpal s/o Gurmeet Singh resident of House No. 88, Hardev Nagar. The person does not stay at this aforementioned address. One copy of Proclamation warrants issued by the Hon’ble Court pasted in front of his house. Second copy was pasted at chor of Mohalla and even munadi was done in the Mohalla as well.”

7. It is evident that petitioner has been intentionally keeping away from his residence so as to evade his arrest. Nothing could be pointed to this Court which could indicate that there is any infirmity in the procedure adopted by

the learned JMIC, Dasuya for declaring the petitioner as proclaimed person.

As such, the impugned order dated 1.4.2022 passed by learned JMIC, Dasuya declaring the petitioner proclaimed person is hereby upheld.

8. Having regard to the aforestated conduct of the petitioner, who till date is a proclaimed person and has not chosen to surrender before the Court and against whom there are specific allegations levelled in the FIR, this Court does not find any ground for quashing of the FIR, even though the petitioner claims that the matter has been compromised.
9. The petition, as such, deserves dismissal and is hereby dismissed.

15.12.2022

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(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking
Whether reportable

Yes / No
Yes / No