

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

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CRM-M-55641-2022
Date of decision : 12.12.2022

Satnam Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned order dated 29.09.2022 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur (**Annexure P-2**) passed in case FIR No.37 dated 20.03.2021 registered under Section 188 of the Indian Penal Code, 1860 at Police Station Sadar Hoshiarpur, District Hoshiarpur whereby the petitioner was declared proclaimed offender and all consequential proceedings arising therefrom.

Brief facts of the case are that on 20.03.2021 ASI Jasvir Singh along with other police officials was present near Satsang Ghar, Bajwara for doing patrolling duty and checking in connection with the curfew imposed by the District Magistrate due to outbreak of Covid-19. A car with registration No.PB07-AV-9549 was seen coming from Jahan Khela side. The police stopped the said car which was driven by the petitioner but he could not produce any permission or pass for travelling in curfew and hence the above-said FIR was registered against the petitioner. When the petitioner was failed to appear before the trial Court, he was declared proclaimed offender vide impugned order dated 29.09.2022.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR ignoring the provisions in law and the order issued by the competent authority. The

police has presented the challan under Section 173 Cr.P.C. which is totally illegal and unlawful and against Section 195 of the Cr.P.C. No offence under Section 188 of the IPC is made out against the petitioner as Section 195 Cr.P.C. clearly provides that no Court will take cognizance of any offence punishable under Section 172 to 188 except on a complaint in writing by the concerned public servant or of some other public servant to whom he is administratively subordinate. In support of his argument learned counsel for the petitioner has placed reliance upon the judgment passed by this Court passed in ***Jiwan Kumar Vs. State of Punjab and others : 2009(1) RCR (Criminal) 415.***

Learned counsel for the petitioner further submits that vide impugned order dated 29.09.2022, the trial Court wrongly declared the petitioner as proclaimed offender without following the mandatory procedure as laid down in the Cr.P.C. Therefore, the impugned order may be quashed.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for his non-appearance before the Trial Court. Neither the petitioner appear/surrender before the Trial Court till date nor he filed any application for grant of anticipatory bail. Keeping in view the nature of averments, I do not deem it fit to quash the impugned order dated 29.09.2022.

Dismissed.

12.12.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No