

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4415-2023
Date of decision: 27.01.2023

Sandeep Singh @ GajjaPetitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Shubham Goyal, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG Punjab.

DEEPAK MANCHANDA J.

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 06.10.2021 (Annexure P-3) passed by the Additional Sessions Judge, Amritsar whereby the bail order of the petitioner was cancelled and bail bonds and surety bonds were also cancelled and forfeited to the State and non-bailable warrants were issued in case bearing FIR No.20 dated 20.01.2019 under Section 304 of IPC 1860 and Section 27 of NDPS Act registered at Police Station Jandiala, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner was granted regular bail by this Court in CRM-M-47348-2019 vide order dated 12.12.2019 and had been regularly appearing before the trial court but on 07.09.2021 he was arrested in another FIR No.262 dated 04.09.2021 registered

and since then the petitioner remained in custody from 07.09.2021 to 20.11.2021 and due to this reason, he could not appear before the trial Court on 06.10.2021, which resulted in passing of impugned order dated 06.10.2021. He further contends that the non-bailable warrants were never served upon the petitioner however, Additional Sessions Judge, Amritsar vide order dated 11.04.2022 wrongly issued a proclamation under Section 82 Cr.P.C. against the petitioner, which is against the provisions of Section 82 Cr.P.C. as petitioner neither absconded nor concealed himself. He further argues that the petitioner was available at his house and his workplace during this entire period but no police/Court official ever came to execute the non-bailable warrants upon him and subsequently the wrong report was submitted based on which the petitioner was declared as proclaimed offender.

I have heard learned counsel for the petitioner.

The perusal of file shows that after following the due procedure enshrined under Section 82 of Cr. P.C the Additional Sessions Judge, Amritsar vide order dated 10.01.2023 declared the petitioner as proclaimed offender which is not under challenge before this Court rather the petitioner has sought quashing of the order dated 06.10.2021 (Annexure P-3) only vide which the bail bonds and surety bonds were cancelled and non-bailable warrants were issued and has failed to challenge the subsequent order dated 10.01.2023 concerning declaration as proclaimed offender. Even perusal of the Zimni order reveals that the arguments raised by the learned counsel for the petitioner do not carry any force as nothing has been placed on record to support his contentions.

Further, this petition was filed on 17.01.2023, whereas the impugned order which is being sought to be quashed from this Court is dated 06.10.2021 (Annexure P-3) and the same shows the casual approach of the petitioner, who

even did not approach the trial Court to know the status of the case (trial proceedings) where he was appearing and even on several occasions had sought exemptions from personal appearance, which had been duly allowed. This is not the case that the petitioner was not aware of the criminal proceedings pending against him nor his case that he was not represented by any counsel. The act and conduct of the petitioner is apparent from the perusal of the Zimni orders annexed with this petition and in the absence of challenge to the order dated 10.01.2023 passed by the Additional Sessions Judge, Amritsar. vide which the petitioner was declared a Proclaimed offender, the present petition cannot be entertained.

Hence, the present petition is hereby dismissed.

27.01.2023
Ajay Goswami/Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No