

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

CRM-M-7594-2023

Date of Decision: February 13, 2023

Harjinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.D. Rattewal, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 482 Cr.P.C., petitioner has prayed to quash the order dated 24.12.2011 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Phillaur, District Jalandhar, in a case arising out of FIR No.90, dated 28.06.2006, registered at Police Station Goraya, District Jalandhar, under Sections 325, 323, 506, 452, 148 and 149 of IPC, declaring him as a proclaimed offender.

According to him, as per allegations in the FIR, petitioner and others assaulted the complainant and caused injuries to him. Challan dated 03.01.2007 (Annexure P-1) was filed by the police after investigation. Petitioner was granted anticipatory bail and later on, he was continuously appearing before the Trial Court. However, he went abroad on 24.10.2011 as per copy of the entry in the passport (Annexure P-2). Petitioner desires to visit India to see his family members.

Petitioner submits that he regrets for his absence before the Trial Court. It is further contended that the impugned order is illegal because petitioner was never served nor any of his family member was enquired about his whereabouts.

Having considered submissions by learned counsel for the petitioner, I find no merit in the petition.

Petitioner concedes that he was facing trial and was appearing continuously before the Court but later on, he went abroad. It is not the case of the petitioner that he sought any permission of the Court before going abroad. Simply because now he wants to return India, his wishes cannot be fulfilled to quash the impugned order by by-passing the Trial Court and without surrender of the petitioner before the Trial Court.

Dismissed having no merit. However, the petitioner will be at liberty to approach the Trial Court on his surrender and seek desired relief.

Dismissed.

February 13, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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