

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

CRM-M-9883-2022

Date of decision : 06.01.2023

PALWINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravi Malhotra, Advocate for
Mr. Vipin Kumar, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.364 (Annexure P-1) dated 19.12.2012 registered under Section 36 of PUDA Act at Police Station Sadar, Jalandhar and the order dated 01.10.2014 (Annexure P-4) vide which the petitioner has been declared a proclaimed offender.

This matter had been pending since March, 2022. On 21.11.2022, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.PC is for quashing of FIR No.364 (Annexure P-1) dated 19.12.2012 under Section 36 of the PUDA Act, registered at Police Station Sadar, Jalandhar and order dated 01.10.2014 (Annexure P-4) vide which the petitioner has been declared a proclaimed offender.

The Counsel for the petitioner contends that in the case of the co-accused, namely, Kulwinder Singh, this Court has passed the following order:-

“The present petition under Section 482 Cr. P.C. is for quashing of order dated 01.10.2014 vide which the petitioner has been declared a Proclaimed Offender in case bearing FIR No.364 dated 19.12.2012 registered under Section 36 of PUDA Act 1995 at Police Station Sadar Jalandhar.

Learned counsel for the petitioner submits that the petitioner is ready and willing to come back and join proceedings in the present case. In fact the petitioner is abroad since 2009 itself and this FIR came to be registered on 19.12.2012 and the fact that the petitioner was a resident of the U.S.A. was mentioned in the order Annexure P-2 as well.

In view of the above, the operation of the order dated 01.10.2014 (P-4) is stayed. The petitioner is directed to surrender before the Trial Court within a period of 14 days from today after depositing a sum of Rs.1 lakh with the 'Spinal Rehabilitation Centre, Chandigarh, Plot#1, Madhya Marg, Sector 28-A, Chandigarh' and also surrender his passport before the said Court. On his doing so, he shall be released on interim bail, subject to its satisfaction.

Adjourned to 05.01.2023”.

The learned counsel for the petitioner contends that the petitioner is identically situated.

In view of the above, adjourned to 05.01.2023. The petitioner is directed to surrender before the Trial Court within a period of 14 days from today after depositing a sum of Rs.1,00,000/- with the Chandi Kusht Ashram Society, Shiv Ram Mandir (Leprosy Colony), Sector 47, Opp. 3 BRD Gate, Chandigarh and also surrender his passport before the said Court. On his doing so, he shall be admitted to interim bail to the satisfaction of learned trial Court.

Today, it has been brought to the notice of the Court that the petitioner has not complied with the said order. Therefore, it is apparent that the petitioner is not keen to pursue his remedies in accordance with law.

This Court in the case of Varun Kumar Versus State of Punjab, CRM-M-42429-2022, decided on 16.09.2022 and Shingara Singh Versus State of Punjab & others, CRM-M-21573-2021, decided on 23.11.2022 has refused to quash P.O. proceedings where the accused/petitioner who was residing abroad had refused to come back to India to face Trial by holding that quashing the said P.O. proceedings would be a futile exercise in the absence of the accused willing to face Trial subsequent to the quashment of the said P.O. proceedings.

In view of the above, there is no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.01.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No