

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

CRM-M-10282-2023  
Date of decision : 28.2.2023

Budha Ram

.....Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr.Kuldip Singh, Advocate for the petitioner(s)

Mr.MS Atwal, DAG, Punjab

**AMAN CHAUDHARY, J.**

By way of filing the present petition under Section 482 CrPC., the petitioner has sought quashing of order dated 13.5.2013, Annexure P-3, passed by learned Additional Sessions Judge, declaring him as proclaimed offender in case FIR No. 48 dated 03.06.2010, registered under Section 18 of NDPS Act at Police Station City-II, Abohar, District Fazilka.

Learned counsel for the petitioner submits that wife of the petitioner was suffering from heart disease, for which the long treatment was going on at various hospitals. On account of this, he could not appear before the Court on 03.12.2012 and his bail was cancelled and later on he was declared as proclaimed offender vide order dated 13.05.2013. He further submits that the trial Court has committed an error while declaring the petitioner as proclaimed offender without following the procedure under the provision of law.

On receipt of advance notice, learned State counsel puts in appearance and opposes the petition. He states that the illness of the wife is

of year 2012 but there is not justification offered by the petitioner to have not appeared thereafter and it is clear that he intentionally absented from the proceedings. The trial Court has rightly passed the order.

Heard.

The petitioner was facing trial in case FIR No. 48 dated 03.06.2010, registered under Section 18 NDPS Act at Police Station City-II, Abohar, wherein he was granted regular bail by the trial Court. The learned counsel has neither been able to justify the non-appearance of the petitioner after 03.12.2012 till passing of impugned order, nor any illegality or irregularity in declaring him a proclaimed offender nor explain the delay of almost a decade in challenging the aforesaid order, the present petition being filed only on 21.02.2023. The person who absconds, escapes and keeps himself away from the arms of law, as are the facts of the present case, cannot be given undue benefit or advantage or permitted to defeat the law in this manner. One cannot ignore that an absconder intentionally makes himself inaccessible to the process of law. If the prayer of such accused is accepted, that would tantamount to rendering the criminal justice system at the whims and mercy of the absconding accused. The fundamentals on which criminal justice system is based are that the persons who have committed the crime and against whom accusations appear to be well-founded during investigation of the case, must face trial as held by this Court in the case of **Jasbir Singh v. State of Punjab** 2002(4) RCR (CrI.) 299.

In the order while declining anticipatory bail, the learned Additional Sessions Judge has specifically recorded that the petitioner was undergoing medical treatment during the period of his absence but perusal

of the copies of such medical record reveals that either the same pertain to the period prior to the proclamation of the applicant or to the period falling in the year 2022, as such the same were found of no help to him, but in the present petition the reason of his non-appearance given is of his wife not being well.

Even if the case of the petitioner is considered sympathetically, given his or his wife’s illness, though not fully substantiated but still the facts as mentioned above cannot be lost sight of, it apparently being a case of an intentional and deliberate act of evading the process of law. Thus, this Court finds that the petitioner is not entitled to grant of any relief in exercise of the power under Section 482 CrPC.

In view of the above discussion, there is no illegality of perversity in the order declaring the petitioner a proclaimed offender. As such, the present petition is hereby dismissed.

28.02.2023  
gsv

(AMAN CHAUDHARY)  
JUDGE

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