

CRM-M-16007-2019
Reserved on: 21.03.2023
Pronounced on : 11.04.2023

Gurmail SinghPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.P.S. Sandhu, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
63	29.06.2017	Sandaur, District Sangrur	174-A IPC

Seeking quashing of aforesaid FIR, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 01.12.2016.

3. It remains undisputed that at the time proceedings under section 82 of CrPC were initiated, the petitioner was residing in Canada. In CRM-M-24172-2017, this fact stands recorded in judicial orders. This court has no jurisdiction to question a finding on fact by a co-ordinate bench and does not insist on any further evidence in this regard. The fact that the petitioner was away from India. Given above, there was no knowledge to the petitioner about appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of CrPC.

4. Petitioner challenges the order of proclamation dated 01.12.2016, whereby, he was declared proclaimed person and present FIR stands registered against him and the said order also stand quashed vide order dated 29.10.2022 passed by the Co-ordinate Bench of this Court

in CRM-M-24172-2017.

5. As on date, there is no order qua registration of FIR pursuant to order dated 29.10.2022, passed by this Court.

Given above, present petition is allowed in the terms mentioned above and the aforesaid FIR stands quashed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.04.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**