

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-25696-2023

Date of Decision:-20.10.2023

Sukhdeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amaninder Preet, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for the quashing of the impugned order dated 26.02.2020 (Annexure P-7) vide which the petitioner has been declared a proclaimed offender in FIR No.57 dated 23.06.2017 under Sections 406, 420, 120-B, 506 IPC registered at Police Station Ajitwal, District Moga.

2. The Counsel for the petitioner contends that the impugned order has been passed erroneously without taking into account Section 82 Cr.PC. The procedure envisaged under Section 105 Cr.PC and the guidelines issued by the Ministry of Home Affairs have also not been followed. The petitioner had been living abroad since the year 2015 and the instant FIR came to be registered only in June 2017 against him and his father Iqbal Singh. The investigation had not been conducted in a proper manner for which appropriate proceedings had been initiated before this Court for transfer of the investigation but the same had been withdrawn as the father of the petitioner-Iqbal Singh had been granted the concession of anticipatory

bail and assumed that the investigation would be conducted fairly. He, therefore, contends that the impugned order was liable to be quashed.

3. I have heard Counsel for the petitioner at length.

4. When this matter had come up for hearing on 22.05.2023, an adjournment was sought and the case was adjourned to 24.05.2023 on which date the counsel for the petitioner stated on instruction that the petitioner would be coming back to India by 01.09.2023. The said order is reproduced hereinbelow:-

“ The Counsel for the petitioner at the very outset submits that the petitioner shall be coming back to India by 01.09.2023.

Adjourned to 24.08.2023.

It is made clear that in case the petitioner does not wish to come back the present petition shall be decided on merits.”

5. Thereafter an adjournment slip was filed for seeking an adjournment on 24.08.2023 on which date the case was adjourned to 28.09.2023. On the said date on account of suspension of work declared by the Bar Association the matter stood adjourned to 20.10.2023 i.e. today.

6. Quite apparently, the petitioner is playing hide and seek with the court. He initially sought quashing of the FIR and the impugned order vide which he was declared a proclaimed offender, by filing a petition bearing CRM-M-10852-2021 which came to be withdrawn vide order dated 4.5.2023 (Annexure P-10). When the instant second petition was filed, it was put to the petitioner that he would be protected if he so chose to come back to India and face proceedings. It was on that account that an undertaking was given on 24.5.2023 by the counsel for the petitioner that the petitioner shall be coming back to India by 01.09.2023. However, quite apparently, the petitioner chose not to come back and instead wanted to withdraw the

petition but argued the same on merits when the permission to withdraw the petition was not granted. It goes without saying that the endeavour of the petitioner was to obtain an interim order of stay of the PO proceedings and then not to come back to India to face proceedings emanating out of the FIR in question.

7. In view of the aforementioned conduct of the petitioner, I find no merit in the petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

October 20, 2023

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