

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-6282-2018

Date of Decision.:23.08.2023

Jatinder Singh Sidhu @ Lucky

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Jaswinder Singh Rana, Advocate for
Mr. Deepak Arora, Advocate for
the complainant.

DEEPAK GUPTA, J. (ORAL)

Arguments heard.

2. It is contended by learned counsel that in a criminal complaint No.250/1999 titled as 'Harbhajan Singh Versus Giro and Others' prosecution of 09 accused was sought under Section 500 read with Section 34 of the IPC. Order dated 31.03.2000 (Annexure P-2) passed by learned JMIC, Gurdaspur summoning all the 09 accused to face prosecution under Section 500/34 of the IPC. Accused No.8 as named in the complaint is Tajinder Pal Singh @ Lucky son of Parminder Singh. Notice to said accused No.8 remained unserved and he was declared proclaimed offender vide order dated 19.02.2002 (Annexure P-4).

3. It is contended by learned counsel that petitioner has never been known by the name of Tajinder Pal Singh. His correct name is Jitender Singh Sidhu, though his alias name of Lucky and father's name i.e. Parminder Singh are correct. Learned counsel further contends that

petitioner has been residing in Canada since the year 2000.

4. Learned counsel has drawn attention towards the report (Annexure P-3) of the concerned police official as per which the accused by the name of Tajinder Singh @ Lucky son of Palwinder Singh had gone to Canada two years back. Learned counsel contends that despite this clear report that petitioner with his wrong name mentioned in the complaint as Tajinder Pal Singh, was residing in Canada, the proclamation was issued at the given address and not on any correct address of Canada and on that basis he was declared proclaimed offender by way of the impugned order.

5. Still further, it is contended that later on the complaint in itself was dismissed being pre-mature vide order dated 15.03.2002 (Annexure P-5) and all other accused were discharged. That complaint was never revived later on.

6. The fact that petitioner was residing in Canada at the time when his service was sought upon the summons or proclamation is evident from the record available on file. Said fact is not even refuted by learned counsel for respondent- complainant.

7. Having regard to the aforesaid facts and circumstances, impugned order dated 19.02.2002 (Annexure P-4), whereby petitioner was declared as proclaimed offender and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(DEEPAK GUPTA)
JUDGE

August 23, 2023

Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No