

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

CRM-M-45553-2022

Date of Decision:-16.03.2023

Narinder Pal @ Nandu.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Amit Dhawan, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for quashing of the Complaint bearing no.52/2017 dated 19.08.2017 titled as Harbhajan Singh Vs. Mohan Singh & Ors. Under Section 307, 452, 323, 324, 341, 148, 149, 120-B IPC (Annexure **P-1**), summoning order dated 09.05.2019 passed by JMIC, Phillaur for commission of offences under Sections 452, 323, 324, 341, 148, 149, 120-B IPC (Annexure **P-2**), order dated 26.02.2021 (Annexure **P-4**) whereby the petitioner has been declared a proclaimed offender and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that the aforementioned complaint came to be filed at the instance of Harbhajan Singh (respondent no.2) against a number of accused including the petitioner. The copy of the complaint is attached as Annexure P-1. Based on the evidence led, the accused including the petitioner came to be summoned to face Trial. The

copy of the summoning order is attached as Annexure P-2. However, due to non appearance of the petitioner, after following due procedure he was declared as proclaimed offender vide order dated 26.02.2021 (Annexure P-4).

3. The complaint, summoning order and the order whereby the petitioner was declared a proclaimed offender are under challenge in the present petition.

4. The Counsel for the petitioner contends that the complaint came to be filed only to harass and humiliate the petitioner. There was a civil dispute pending between the parties. No specific role had been attributed to the petitioner in the alleged occurrence. The injury suffered by the complainant party appears to have been self suffered. The petitioner had been falsely implicated on account of the fact that he was the resident of Germany. The order Annexure P-4 had been passed without complying with the mandatory provisions of Section 82 Cr.PC. Since the instant complaint had been filed at the back of the petitioner who was residing abroad and it is only subsequently that he had been declared a proclaimed offender, the complaint, summoning order and the order whereby the petitioner was declared a proclaimed offender ought to be quashed.

5. I have heard learned Counsel for the petitioner at length.

6. Initially when this matter had come up for hearing on 29.09.2022, the counsel for the petitioner was asked to obtain instructions as to when the petitioner was likely to come back in order to face Trial as the question of the present petition being urged on merits while the petitioner was a proclaimed offender did not arise. An adjournment was sought and on 29.09.2022 the case was adjourned to 03.11.2022. On the

said date the members of Bar were abstaining from work and the case stood adjourned to 02.02.2023. On the said date once again, the counsel for the petitioner was asked as to whether the petitioner was ready and willing to come back to face proceedings. He sought 04 weeks time to argue the matter and the case was posted for hearing on 14.03.2023. On 14.03.2023 an adjournment was sought once again and today the court has been informed that the petitioner does not wish to come back and wanted to withdraw the present petition.

7. A perusal of the sequence of events as narrated above could establish that despite being given ample opportunities to come back and face proceedings, the petitioner firstly undertook to return back but has subsequently expressed a desire to withdraw the instant petition. Quite obviously an attempt was to obtain an interim order and thereafter keep the matter lingering on one pretext or the other. The conduct of the petitioner must be deprecated. In fact, the filing of the present petition is completely frivolous as even if this Court did quash the order whereby the petitioner was declared a proclaimed offender, he would still not come back to face Trial as was evident from the statement made by his counsel that the petitioner did not wish to return back.

8. In view of the above, I find no merit in the present petition and, therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 16, 2023
Vinay

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