

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7040 of 2024 (O&M)
Date of Decision: 22.02.2024

Tarandeep Singh
..... Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gurbir Singh Sidhu & Mr. Nikhil Jindal, Advocates
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C.') for quashing of impugned order dated 18.01.2024 (P-14), passed by learned Judicial Magistrate 1st Class, Kharar (*for short* 'JMIC'), vide which proclamation proceedings have been initiated against the petitioner in FIR No.36 dated 21.02.2023, under Sections 304, 323, 341, 427, 148 read with Section 149 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959, registered at Police Station Sadar Kharar, District SAS Nagar, along with all consequential proceedings arising therefrom qua the petitioner.

(2) In compliance of order dated 09.02.2024, short affidavit dated 22.02.2024 of Sh. Karan Singh Sandhu, DSP, Sub Division Kharar-1, District SAS Nagar has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(3) Above FIR was registered on the basis of statement made by Charanjeet Singh with the allegations that Sagar Nahar, Parminder Singh, Kulbir Sarao, Prince (petitioner) along with five others hit and attacked Akashdeep Singh and Babanpreet Singh (since deceased), who were coming from Chandigarh side in white Baleno Car bearing registration No.PB-23-Z-5367. Also alleged that on account of the injuries, Babanpreet Singh died in Max Hospital, Phase 6, Mohali on the same day.

(4) Contends that petitioner has been falsely implicated in the present case and he is having no concern; rather during investigation, police declared him innocent. Further contends that despite above factual position, learned JMIC without following the proper procedure issued proclamation against the petitioner; hence, the same is not legally sustainable.

(5) *Per contra*, learned State Counsel, on instructions from ASI Jasvir Singh, opposed the prayer while submitting that petitioner was very much named in the FIR and he was having full knowledge about the pendency of present FIR, resulting into the death of a young boy and now Section 302, IPC & Section 25 of the Arms Act have also been added vide Diary No.23 dated 24.05.2023. Also submitted that proclamation was issued by learned JMIC after following due procedure and petitioner has been asked to appear

on 23.02.2024; therefore, he can answer the proclamation on the date already fixed before learned JMIC.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) Perusal of para 3 of the Status Report reveals that initially, FIR No.36 dated 21.02.2023 was registered under Sections 304, 323, 341, 427, 148 read with Section 149 of the Indian Penal Code, 1860; but during investigation, Section 302 IPC & Section 25 of the Arms Act have been added.

(8) From bare perusal of FIR, it transpires that petitioner Prince @ Tarandeep Singh was specifically named.

(9) Still further, it is discernible from the affidavit of DSP Karan Singh Sandhu that despite sincere efforts, three accused Jashanpreet Singh, Parminder Singh and Tarandeep Singh @ Prince (petitioner) are evading the arrest and as such, proceedings under Section 82 Cr.P.C. against all of them were initiated.

(10) Moreover, petitioner has been asked to appear before learned JMIC on 23.02.2024; therefore, no one is stopping him to join the investigation and/or answer the proclamation before learned JMIC on the date already fixed.

(11) Above all, as on today, petitioner has not been declared as a proclaimed offender; rather final decision is yet to be taken by learned JMIC.

(12) In view of the above, this Court is not inclined to entertain the petition.

- (13) Consequently, the same is dismissed.
- (14) The above observations may not be construed as an expression of opinion on merits of the case.
- (15) Pending application(s), if any, shall also stand disposed off.

22nd February, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>