

CRM-M-26037-2023
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26037-2023 (O & M)
Date of decision: 16.02.2024

Daljit Singh Grewal Petitioner

V/s

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Dhindsa, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the FIR No.89 dated 04.08.2011 under Sections 406, 420, 120-B IPC registered at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar (Punjab) (Annexure P-1) and the subsequent proceedings arising therefrom alongwith the order dated 27.02.2012 passed by the ACJM, SBS Nagar (Annexure P-4) declaring the petitioner a proclaimed offender.

2. The brief facts of the case are that the aforementioned FIR came to be registered with the allegations that one Paramjit Kaur had taken a huge amount of money from the complainant and others on the pretext of sending them abroad. The petitioner-Daljit Singh Grewal had promised on the telephone that he would get prepared the necessary documentations in that regard. However, neither was the complainant nor the others sent abroad and the money received by the accused was not refunded. The copy of the FIR is attached as Annexure P-1 to the present petition.

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While Paramjit Kaur faced the Trial and was convicted, the petitioner was declared a proclaimed offender vide order dated 27.02.2012 (Annexure P-4).

3. The FIR No. 89 dated 04.08.2011 (Annexure P-1) and the impugned order (Annexure P-4) whereby the petitioner was declared a proclaimed offender are under challenged in the present petition.

4. The learned counsel for the petitioner contends that the petitioner was a British passport holder and had never visited the India in the last 18 years. The FIR was registered behind his back and service was effected upon him on his village address despite the fact that he was residing abroad. In terms of the provisions of Section 04 IPC and Section 188 Cr.P.C., the petitioner could not be tried in India for having committed an offence in abroad. He, therefore, contends that the FIR (Annexure P-1) and the impugned order (Annexure P-4) whereby he was declared a proclaimed offender were liable to be quashed.

5. The learned counsel for the State, on the other hand, contends that it was Paramjit Kaur and the petitioner who deliberately misled the complainant and others to take them abroad for a payment of a huge consideration. Therefore, the offence had been clearly committed in India for which the petitioner was liable to face Trial. His co-accused/Paramjit Kaur already stood convicted. Even otherwise, multiple opportunities had been sought by him to come back and face the proceedings as was evident from the various adjournments sought starting from 22.05.2023. She, therefore, contends that the present petition was liable to be dismissed.

6. I have heard the learned counsel for the parties.

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7. A perusal of the FIR would reveal that Paramjit Kaur and the petitioner promised to take the complainant and others abroad for consideration. Therefore, the petitioner clearly had an active role in cheating the complainant party. In fact, Paramjit Kaur already stands convicted. When this matter had come up for hearing earlier, the learned counsel for the petitioner was asked on multiple occasions as to whether the petitioner was ready and willing to come back to India and face the Trial and if so, he would be protected from arrest enabling him to surrender before the Trial Court and obtain regular bail. Despite availing multiple opportunities, the petitioner has chosen not to come back to India to face the proceedings.

8. Thus, it is apparent that even if the Court was to quash the order whereby the petitioner was declared a proclaimed offender dated 27.02.2012 (Annexure P-4), the petitioner would not return back and face Trial which he must as his co-accused already stands convicted. Therefore, the attempt of the petitioner is quite clear to evade the process of law and seek quashing of the FIR (Annexure P-1) and the impugned order dated 27.02.2012 (Annexure P-4) whereby he was declared a proclaimed offender while not submitting to the jurisdiction of the Court.

9. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 16, 2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No