

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53596-2022

Date of Decision : May 02, 2024

Tajinder SinghPetitioner
Vs.
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. Ravish Kaushik, Additional Advocate General Haryana.

JASJIT SINGH BEDI, J. (Oral)

On 18.11.2022, the following order was passed :-

“”CRM-44265-2022

Exemption application is allowed, as prayed for.

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This petition has been filed for quashing of impugned order dated 20.07.2004 (Annexure P-5) passed by the trial Court vide which the petitioner has been declared as Proclaimed Offender in FIR No.355 dated 11.10.2021 registered for offences punishable under Sections 324, 148 and 149 IPC at Police Station Nakodar, District Jalandhar.

Counsel for the petitioner inter alia contends that proclamation was ordered to be issued for 28.05.2004 vide order dated 05.04.2004 (Annexure P-2). Pursuant

to such proclamation statement of the concerned Constable has been recorded as under :-

“Sir,

It is respectfully prayed that in order to publish this proclamation, I went to below mentioned address. There I met Sukhwinder Singh and he stated that his son has gone abroad and there is no chance that he may meet us. So, I affixed one copy of the proclamation on the outer door of the house of the accused. One copy was affixed on the conspicuous place of the mohalla and one copy was affixed on the gate of Civil Court, Nakodar. One copy is presented before the Hon’ble Court. Report is presented.”

He thus submits that prior to proclamation, the petitioner was never served and thus the proclamation being in violation of the bare provisions as contained in Chapter VI of the Code cannot sustain. He further contends that the petitioner went to Germany prior to being served and has not returned since then. Further the matter already stands settled between the parties and the co-accused have earned acquittal vide Annexure P-6 dated 17.10.2007 wherein it was recorded as under :-

“3. Prosecution has consumed various adjournments to produce the evidence since that day but not a single witness has been produced. Ultimately, the summons has been sent through office of SSP Jalandhar. It has been reported that the complainant Karanvir Singh had gone abroad. The witnesses did not appear despite best efforts of the Court. FIR is of 11.10.2001. The

answering accused Amrik Singh and Amrik Lal have already gone through the agony of the trial for considerable period. Therefore, the evidence of the prosecution is closed by order.

4. *I have heard both the sides and have gone through the file carefully. Since there is no incriminating material to be put to the accused Amrik Singh and Amrik Lal, they are acquitted of the same. File be consigned to the record room and it be summoned on arrest of accused Tejinder Singh declared proclaimed offender.”*

Notice of motion returnable for 02.02.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, appears and accepts notice on behalf of the respondent and seeks time to get instructions.

In the meantime, operation of order dated 20.07.2004 (Annexure P-5) whereby the petitioner was declared proclaimed offender shall remain stayed.”

Thereafter, on 08.08.2023, the following order was passed :-

“The Counsel for the State seeks some time to file reply to the petition.

List on 28.11.2023.

Interim order to continue.”

Thereafter on 28.11.2023, the following order was passed :-

“The Counsel for the petitioner submits that the petitioner is ready and willing to surrender within a period of 04 weeks.

List on 05.01.2024.

Interim order to continue.”

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Thereafter, again on 05.01.2024, the following order was passed :-

*“On request, adjourned to 24.01.2024.
Interim order to continue.”*

Again, on 03.05.2024, the following order was passed :-

CRM-3111-2024 AND CRM-14232-2024

These are two similar applications under Section 482 Cr.P.C. for seeking extension of time to surrender in compliance of the order dated 28.11.2023.

For the reasons mentioned in the applications, the same is allowed and the petitioner is granted 04 weeks more time to comply with the order dated 28.11.2023.

Application stand disposed of.

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Adjourned to 02.05.2024.

Interim order to continue.

To be heard with CRM-M-48871-2022.”

A perusal of the aforementioned orders would show that the petitioner has not surrendered despite the fact that the impugned order dated 20.07.2004 (Annexure P-5) was stayed.

In view of the above, the present petition is dismissed.

All the pending CRMs also stand disposed of.

May 02, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO