

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CRM-M-64367-2023
Decided on: 05.02.2024

Satwant Singh Bedi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ranjeet K. Jaswal, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
97	05.10.1994	Mohali	419, 420, 467, 468, 471, 120-B IPC and Section 13(1)(d) r/w Section 13(2) of Prevention of Corruption Act

1. The petitioner, a Property Dealer, aged 75 years, who was declared as proclaimed offender wayback on 23.12.2009, has come up before this court seeking quashing of said order, on the grounds that other accused were acquitted in the trial and he was unaware of the Court proceedings because he had moved from Mohali (Punjab) to Panipat (Haryana).
2. The petitioner has also filed another application i.e. CRM-5103-2024, in which the Ward Member of Panipat has given a certificate that petitioner is residing in Panipat for last 20 years, which means he is resident of Panipat from 2004 i.e. five years earlier when he was declared as proclaimed offender.
3. State counsel Ms. Swati Batra, DAG, Punjab, opposes the petition on the grounds that petitioner was aware of the matter and he deliberately shifted and avoided prosecution. On instructions, petitioner’s counsel submits that he was told by the investigator that he was absolved in the case and since he had moved to Panipat, as such, he kept on presuming that he was found innocent.
4. Although, an analysis of explanation offered by the petitioner is not at all acceptable. He was aware of the criminal proceedings and despite that he was not

attending the same. The order vide which, petitioner was declared proclaimed offender reads as follows:-

“Two applications seeking exemption from personal appearance of accused D.K. Jain and Som Raj Sharma have been filed which are allowed as per reasons given in the application and their personal appearance are exempted only for today. Proclamation under section 82 Cr.P.C. issued against accused Satwinder Singh had been received back duly executed. Statement of serving constable was recorded in the court on 19.10.2009. The period of 30 days has elapsed from the date of execution of proclamation but accused Satwinder Singh has not appeared in the Court. From the perusal of statement of Serving Constable and proclamation, this Court is satisfied that accused Satwinder Singh has absconded and there is no immediate chance of his arrest in the near future. Accordingly, he is declared proclaimed offender as proclamation has been carried out as per law. Necessary intimation be sent to the SHO concerned with regarding to his being proclaimed offender. Vide order dated 7.11.2005 of Hon'ble High Court passed in Crl. Misc. No. 2039/02 proceedings qua accused D.K. Jain and Chandi Parshad have been stayed by the Hon'ble High Court and proceedings against other accused have not been stayed in this case and the case is now adjourned to 15.1.2010 for evidence of the prosecution qua other accused. PWs be summoned through SP(VB) Mohali.

File taken up again as it has been brought to the notice of this Court that the name of accused Satwinder Singh who has been declared as proclaimed offender is actually Satwant Singh Bedi. In view of this the name of accused Satwinder Singh is corrected as Satwant Singh Bedi in the previous zimini orders. Ahlmad is directed to send necessary intimation regarding declaring the accused Satwant Singh Bedi as Proclaimed offender.”

5. The petitioner has annexed the certified copy of this order as Annexure P-2. As per stamps affixed on the certified copy, the petitioner had filed this application on 16.05.2013 and copy was prepared on 18.05.2013 and delivered to him on 20.05.2013. It means petitioner was aware of the fact that he had been declared proclaimed offender way back on 20.05.2013. Despite that he waited for 10 years to challenge the said order. Although the other accused were acquitted on 21.07.2016, but despite that petitioner did not challenge the proclamation order. Because of his conduct of not

appearing before the Court, the judiciary get a stigma that the matter is pending since 1999 and trial is being delayed, whereas it is the people like accused who despite being fully aware of the fact that he was declared as proclaimed offender took the order lightly and not only waited to challenge the same from 2013 to 2016 when other accused were acquitted and even further, waited till 11.12.2023 when he filed the present petition.

6. Given above, there is no reason to allow the present petition. Be that as it may, considering the fact that petitioner is now aged 75 years and while acquitting the trial Court had following observations:-

“Therefore, when Avtar Singh son of Ram Singh has clearly deposed in his cross-examination that the disputed Will was executed by Ram Singh(since deceased), the allegations levelled by him in the examination-in-chief cannot be considered to be correct beyond doubt. It is well settled that the version of the witness is to be read in to-to and his version in the cross-examination cannot be ignored. In these circumstances, it would not be safe to hold the accused Mehar Singh, Sardool Singh, Sarmukh Singh and Satwan Singh, Property Dealer (Proclaimed Offender) for having committed an offence punishable under Section 467 read with Section 120-B of IPC.

82. Therefore, in view of the above discussed detailed reasons regarding each file, this Court is of the opinion that the prosecution has failed to prove its case beyond the shadow of any reasonable doubt against all the accused, named above. Hence, they are acquitted of the entire set of charges against them and accordingly, all the points of determination are decided in their favour and against the prosecution.”

7. Petitioner is directed to surrender before the trial court on or before 29.02.2024. If the petitioner surrenders before the trial court on any date upto 29.02.2024, then in such a situation, this Court requests the trial Court to be sympathetic and release the petitioner on interim bail keeping in mind the petitioner's age i.e. 75 years as well as the observations made in the acquittal order as quoted above. It is clarified that if the petitioner does not surrender and appear before the trial and does not make any appropriate prayer for interim bail, then request which this Court is making to the trial Court, shall stand recalled without any further reference to this Court. It is further clarified that in case, petitioner surrenders and makes request for interim bail within the

time given above, it shall be permissible for the trial Court to impose any conditions/costs while granting him interim bail, as it deems fit and appropriate.

8. Given above, petition is dismissed with the aforesaid observations. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.