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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 744/2023**

GURMIT SINGH BHAGHTANA

.....Petitioner

Through: Mr. Santosh Kumar Suman,
Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Advocate
with Ms. Saroj Yadav, SI, PS-IGI
Airport.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.05.2025**

1. The present petition under Article 226 of the Constitution of India, 1950 is directed against order dated 30th October, 2012, passed by the ACMM-I, Dwarka Courts in the proceedings arising from FIR No. 43/2009, registered at P.S. IGI Airport, under Sections 419/420/468/471/120-B of the Indian Penal Code, 1860¹ and Section 12 of the Passport Act, 1967, - titled as "**State vs. Harvinder & Ors**". By the impugned order, the Applicant has been declared to be a proclaimed offender.

2. The primary contention of the Petitioner is that service of process under Section 82 of the Code of Criminal Procedure, 1973,² was not properly effected upon him, and that there was an error in the procedure. In

¹ "IPC"

² "Cr.P.C."



support of this claim, the Petitioner places reliance on the statement of Head Constable Dilip Singh, who attempted to effect such service. In his statement, Dilip Singh recorded the name of the Petitioner's father as "Boota Singh." Based on this, the Petitioner argues that this is a case of mistaken identity, as his father's correct name is "Bood Singh", and not "Boota Singh".

3. However, from a perusal of the chargesheet, it emerges that the Petitioner's name, as recorded in column No. 12, accurately reflects his father's name as "Bood Singh," which is undisputedly correct. This clearly indicates that the discrepancy in Head Constable Dilip Singh's statement, where the father's name is incorrectly recorded as "Boota Singh", is merely a typographical error, wherein the letter "D" in "Bood" appears to have been inadvertently recorded as "TA," resulting in the name "Boota." Such a typographical error does not substantiate the Petitioner's claim of mistaken identity or irregularity in the issuance of process under Section 82 Cr.P.C.

4. In view of the above, this Court finds no reasonable basis to exercise its extraordinary powers under Article 226 of the Constitution of India, to interfere with the findings of the impugned order.

5. The petition is accordingly dismissed.

SANJEEV NARULA, J

MAY 22, 2025

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