

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.R.M-M No.985 of 2015

Date of Decision : 22.01.2015

Dharambir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 14.06.2005 passed by the Additional Sessions Judge, Sonapat declaring the petitioner as a proclaimed offender.

Learned counsel for the petitioner has very fairly argued that the petitioner cannot be held to be entirely blameless but the fact of the matter is that he was serving in the Indian Army and rather it was more because of exigencies of service than any desire to avoid proceeding that the petitioner could not appear before the Court. He further states that now the petitioner is ready to appear before the Court and face the consequences.

Learned Additional Advocate General has argued that the

petitioner has remained absent for almost 15 years and therefore he does not deserve any leniency.

In normal circumstances, this Court would have accepted the plea of the learned Additional Advocate General but the learned counsel for the petitioner has stated that all other accused have been acquitted on merits. This coupled with the fact that the petitioner was in active service in the Indian Army has persuaded this Court that the petitioner deserves leniency.

In the circumstances, the impugned order is set aside. The petitioner is directed to now appear before the trial court on 23.02.2015 and the trial Court shall further proceed in the matter after releasing him on bail to its satisfaction. However, it is made clear that this order would not be treated as precedent and is only passed in view of the facts and circumstances of the present case.

Petition is allowed in the above terms.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

January 22, 2015

ashish

**(AJAY TEWARI)
JUDGE**