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

CRM-M-34549 of 2016

Date of decision: November 28, 2016

Gurinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. A.S. Brar, Advocate for the petitioner.

Ms. Rimplejeet Kaur, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

In private criminal complaint RT No.21 of 11.06.2015, registered under Sections 452, 323, 148, 149 of Indian Penal Code, 1860 (for short 'IPC'), the petitioner is being prosecuted along with other accused. The other accused persons were tried in the said criminal complaint case except for the petitioner and found guilty and released on probation by the trial Court vide order dated 31.03.2016.

Learned counsel for the petitioner makes a statement that the petitioner was in Canada for the relevant period and as such, was unable to attend the trial Court.

The offences alleged against the petitioner are under Sections 452, 323, 148, 149 IPC in the said private complaint. The order of the trial Court also shows that the petitioner was abroad at the

relevant time. Not only that, the petitioner has filed documents before me including the passport showing his presence in Canada at the relevant time. Looking to the nature of offences, namely under Sections 452, 323, 148, 149 IPC, I think the petitioner should be allowed a chance to have liberty for facing the trial before the trial Court.

In that view of the matter, order dated 16.10.2015 passed by the learned JMIC, Moga declaring the petitioner proclaimed person, is set aside. Petitioner shall appear before the trial Court on 07.12.2016 in criminal complaint RT No.21 of 11.06.2015, registered under Sections 452, 323, 148, 149 IPC and shall be released on bail upon his furnishing bail bonds to the satisfaction of the trial Court with such conditions as the trial Court deems fit and proper.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

November 28, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No