

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

**CRM-M-7969-2016 (O&M).
Decided on: March 10, 2016.**

Niyamat Masih

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.K.S.Kahlon, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

For having absented on 16.11.2015 in the trial Court, the bail bonds of the petitioner were cancelled. He was declared a proclaimed offender on 20.1.2016 in an exceptionally expeditious manner on the basis of report presented by Head Constable on the basis of statement of one Yusuf Masih, Panch of Village Tariza Nagar, Tehsil and District Gurdaspur.

It is claimed by the petitioner that certificate of the Panchayat of Village Tariza Nagar, indicating that there was no Panch in the name of Yusuf Masih in the said village, has been ignored by the learned Additional Sessions Judge, Gurdaspur.

It is not out of place to observe here that an application had been filed before the trial Court for exemption from personal appearance on 2.11.2015 which was allowed. It appears that the order could not be communicated to the petitioner for 16.11.2015. Prima facie, the proceedings declaring the petitioner a proclaimed offender are based upon a fake report.

Next date of hearing before the trial Court is stated to be 30.3.2016.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.Simsi Dhir Malhotra, DAG. Punjab, present in the Court. Copy given.

The petition is allowed. It is ordered that the petitioner will put in appearance before the trial Court on or before 30.3.2016. In case of petitioner doing so, the petitioner will be released on bail to the satisfaction of the trial Court. It is made clear that in case the petitioner does not put in appearance before the trial Court by next date of hearing, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

March 10, 2016.
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