

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

**CRM-M-22102 of 2017
Decided on:27.06.2017**

Gagandeep Singh

.... Petitioner

Versus

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Sushma Chopra, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Sudip Ahluwalia, J. (Oral)

The petitioner has been summoned to appear in an English Court on 30th of this month in connection with a road accident case. He is a driver by profession. It is submitted that his entire livelihood stands to be seriously affected in case he does not put in his appearance before the Court concerned. Admittedly, he is a permanent resident of U.K. (United Kingdom). From the records, it transpires that he was neither named in the FIR, nor any challan was submitted against him. At a later stage, he was joined in the trial u/s 319 Cr. P. C. and declared a proclaimed offender. This is understandable, since admittedly he was not residing in India at the given time. It further transpires that all the charge sheeted accused persons in the case have already been acquitted. The petitioner subsequently surrendered voluntarily and was granted bail by a co-ordinate Bench of this Court on 25.05.2017 in CRM-M-17172 of 2017. Prior to that a direction had been issued by the same Court in CRM-M-23530 of 2014 on 21.03.2017 by virtue of which the trial against him ought to have been completed by now

but it transpires that till date even the charge is yet to be framed. It further

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appears from the Affidavit (Annexure P-4) that the complainant/victim does not appear to have any grievance against the petitioner. In the circumstances, the chances of his actual conviction would appear to be minimal and as such his entire livelihood need not be put to peril on account of the procedural delay being occasioned.

The petition is, therefore, allowed and the petitioner is permitted to proceed to England with a caveat that he shall return back to India within a month from the date of his departure and subject to furnishing a surety to the tune of Rs. 10 lacs, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

(SUDIP AHLUWALIA)
JUDGE

27.06.2017
rimpal

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No