

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-35187-2014

Date of decision: 05.12.2017

Jitender Singh

..... Petitioner.

vs.

State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Anshul Mangla, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl. A.G.Haryana.

HARI PAL VERMA,J.(ORAL)

Prayer in this petition filed under section 482 Cr.P.C. is to set aside the order dated 28.05.2012 passed by learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, whereby, on the basis of the statement of Executing Constable, that more than 30 days has elapsed from the issuance of proclamation and the petitioner is absconding and his presence cannot be secured in near future, the impugned order was passed.

Counsel for the petitioner has argued that FIR No. 3 dated 11.05.2009 was registered at Police Station State Vigilance Bureau, Haryana, Panchkula, under Sections 420, 464, 465, 468, 471, 477-A, 120-B IPC. The petitioner had already left for Austrailia on 28.08.2008 so as to pursue his study. He returned India only on 18.04.2014 and, therefore, the factum of registration of FIR against the petitioner was not in his knowledge. He was not intentionally absent and is ready to face the trial in the Court.

Learned counsel for the petitioner further submits that the petitioner is ready to give an undertaking that he would face the trial and

will not delay in the proceedings.

On the other hand, learned State counsel submits that there is no illegality in the order dated 28.05.2012. Even otherwise, co-accused namely, Munish Kumar, Krishan Kumar, Devi Swaroop and Gobind have already been convicted by the learned trial Court vide judgment dated 23.02.2017. Mother of the petitioner had knowledge about the proceedings pending against the petitioner.

Heard learned counsel for the parties.

The petitioner was in Australia and he got issued a new passport from Indian Embassy, Canberra, Australia on 28.03.2014. He returned India on 18.04.2014 and this fact has been substantiated by learned counsel for the petitioner on the basis of the photocopy of the passport so annexed with this petition as Annexure P4 which has also not been disputed by the learned State counsel.

In view of the above, the present petition is disposed of at this stage. In case the petitioner surrenders before the learned trial Court within a week from today and undertakes to face the trial and not to delay in the trial in any manner, he shall be admitted to bail to the satisfaction of the learned trial Court.

(HARI PAL VERMA)
JUDGE

05.12.2017
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No