

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39804-2016 (O&M)

Date of decision: February 15, 2017.

Jasmair Singh Gill

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

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

Present: Shri Arshdeep Singh Brar, Advocate for the petitioner.

Shri Daljeet Virk, Deputy Advocate General, Punjab.

Shri Rajesh Bhatheja, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

Learned counsel for the complainant has vehemently opposed the present petition. Learned Counsel for the petitioner submits that the petitioner has been in Canada. In support of this, he has produced passport of the petitioner and the entries made therein. Perused the impugned order as well as the records. Learned Counsel for the petitioner submits that the petitioner would come to India and would participate in the proceedings in which he has been declared a proclaimed offender. Learned counsel for the complainant is satisfied with the statement as his only worry is that the petitioner may evade his appearance before the trial court.

Without finding any fault with the order of the trial court

declaring the petitioner as proclaimed offender (Annexure P-4), the petitioner should be given a chance since he is resident of Canada and the principles of natural justice require that he is allowed to contest the proceedings in all fairness filed at the behest of the respondent-complainant.

In that view of the matter, following order is passed:-

ORDER

- (i) CRM-M-39804-2016 is partly allowed;
- (ii) impugned order dated 15.1.2014 is quashed and set aside;
- (iii) the petitioner to appear before the trial court on 29.3.2016;
- (iv) in case of default of the petitioner in appearance before the trial court, this order shall come to an end automatically and the impugned order shall revive.

[A.B. Chaudhari]
Judge

February 15, 2017.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No