

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

**Date of Decision : 07.12.2017
CRM-M No.46435 of 2017**

Jagroop Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRM-M No.46411 of 2017

Jagroop Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. A.G.S. Dhillon, Advocate for
Mr. Avlok S. Sadhu, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Notice of motion.

On asking of the Court, Mr. Hittan Nehra, Addl.
Advocate General, Punjab accepts notice on behalf of the
respondent-State. A copy of the paper-book be supplied to him
during the course of the day.

The petitioner in both these matters is one and the same

person. He was facing trial in criminal proceedings arising out of FIR No.183 dated 26th June, 2014, in the Court of Ld. Additional Sessions Judge at Ludhiana. He absented from the proceedings on 11th August, 2017 and remained absent till 23rd August, 2017, on which date he was declared a Proclaimed Offender.

In CRM-M No.46435 of 2017, he has prayed for quashing the impugned order of that date (Annexure P-1). In CRM-M No.46411 of 2017, he seeks his release on anticipatory bail, after his similar prayer was rejected by the Ld. Court below on 16th November, 2017.

It has been submitted on behalf of the petitioner that he had all along been regular in attending the Ld. Trial Court but was absent for the first time on 11th of August, 2017. The reason for his absence on the aforesaid date and thereafter as mentioned happens to be that he is by profession a truck driver and was obligated to go outside the State for performing his professional work.

In spite of passing-on instructions to his counsel, his absence was not condoned by the Ld. Court below as the counsel did not take appropriate steps on 11th August, 2017.

Considering the aforesaid circumstances, this Court is of the opinion that the petitioner need not be penalized for the

omission to take steps on his behalf on the part of his counsel on the relevant date.

The present petitions are therefore disposed off with liberty to the petitioner to surrender before the Ld. Trial Court within a week from today and to seek a bail thereafter.

In the meantime, operation of the order(s) passed against him shall remain stayed.

This order shall automatically stand vacated if the petitioner fails to surrender within the specified time.

December 07, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No