

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-5512 of 2017
Date of decision:21.2.2017

Rakshit Kapoor

... Petitioner

versus

Union Territory, Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vivek Lamba, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that though there are two views taken by this Court with regard to whether a person against whom offences as are not enumerated in Section 82(4) Cr.P.C., should be declared to be a proclaimed offender or a proclaimed person, he does not press that issue, as the petitioner was, undoubtedly, not declared to be a proclaimed offender but a proclaimed person.

However, he further submits that since the matter has now been compromised between the petitioner and respondent no.2, as per a compromise deed, a copy of which has been annexed as Annexure P-4, the petitioner would, in fact, be filing an application for compounding of the offences before the learned trial Court. He, therefore, seeks protection in the proceedings initiated under Section 174-A IPC.

The reason for the petitioner not appearing before the learned trial Court when summoned, even after notice for declaring him to be a

proclaimed person was issued under Section 82 Cr.P.C., is given by learned counsel to be that the petitioners' wife was suffering from some health issues and was admitted in a hospital in Kolkata, in support of which he has annexed Annexure P-2, which is seen to be a copy of her death certificate, certifying that she had died on 1.1.2017.

In view of the above, without making any comment, either on the proceedings under Section 174-A IPC, or with regard to the compromise reached between the petitioner and respondent no.2, which would obviously be gone into by the learned trial Court, since the matter has been compromised and prima facie at least learned counsel has made out an argument that the petitioners' wife was suffering from an illness due to which she eventually died, though no medical certificate has been produced in respect of her illness, this petition is disposed of with a direction that upon the petitioner appearing before the learned trial Court, he would be admitted to interim bail on the same date, subject to his satisfying that Court with regard to the genuineness of the reasons due to which he did not answer the summons of that Court.

21.2.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No