

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

CRM-M No.9036 of 2017

Date of Decision : 03.08.2017

Baldev Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rajiv K. Trikha, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab
for respondent No.1-State.

SUDIP AHLUWALIA, J. (ORAL)

Respondent No.2/complainant has not appeared in spite of
report of service.

This petition has been filed on behalf of the petitioner
seeking anticipatory bail under Section 438 Cr.P.C. in connection with
Criminal Complaint No.37/09/14, dated 10th August, 2009, under
Sections 323, 342, 365, 148 and 149 IPC, pending in the Court of Ld.
Judicial Magistrate 1st Class, Hoshiarpur.

The petitioner was declared a Proclaimed Offender vide
order passed by the Ld. Trial Court on 12th September, 2016 (Annexure
P-5), after he failed to appear in pursuance of the initial summoning

order (Annexure P-3) passed on 4th August, 2015. His contention before this Court is that he was not aware of the proceedings pending against him since he was out of India at the relevant time. To support this contention, a copy of his Passport has been placed by him on record as Annexure P-4. Perusal of the same goes to show that he had left India on 4th of May, 2011 through Amritsar Airport for the U.A.E., where he reached later on in the day. Thereafter, he returned back to India only on 25th of January, 2017. As such, the summoning order dated 4th August, 2015 as well as the impugned order declaring him a Proclaimed Offender dated 12th September, 2016 were both passed against him while he was out of India, and had therefore no means to know about the pending proceedings.

The ground so cited by the petitioner clearly appears to be sufficient and credible to justify his absence in the Ld. Trial Court, which was undoubtedly beyond his control.

In the circumstances, the order of interim bail dated 17th March, 2017 passed earlier is, hereby, confirmed.

Disposed off.

(SUDIP AHLUWALIA)
JUDGE

August 03, 2017
Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No