

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

CRM-M-27824-2018 (O&M)

Date of Decision:- 6.7.2018

Darshan Lal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, petitioner Darshan Lal seeks quashing of order dated 30.11.2017 whereby he has been declared a Proclaimed Offender on account of his long absence and on account of the fact that despite proclamation his presence could not be secured.

The learned counsel while assailing the impugned order submitted that in fact his absence was not intentional but was on account of illness of his nephew who was suffering from cancer and who ultimately expired on 8.11.2017.

I have heard the learned counsel for the petitioner and have also gone through the impugned order as well as documents annexed with the petition.

The present case is not where the petitioner had never been served. Rather, he had been appearing before the trial Court. In fact it transpires that even at the initial stage his presence could not be secured and

had been declared a Proclaimed Offender vide order dated 18.2.2015. Subsequently he had appeared and the proceedings commenced against the petitioner. However, on 17.4.2017, the petitioner again absconded. Though ailment or death of a near and dear one could furnish some ground for exemption from appearance on a particular day but continued absence for a long period cannot be said to be justified. Ever since the accused absented on 17.4.2017, he has chosen not to appear before trial Court though a period of more than one year has elapsed since then.

In these circumstances, I do not find any merit in the present petition and the same is hereby dismissed. However, in case the petitioner choses to surrender before the trial Court and to apply for grant of regular bail, the trial Court shall expeditiously dispose of the application, preferably within a period of one week from the date of its filing.

July 6, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No