

CRM-M-28391-2015

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

CRM-M-28391-2015

Date of Decision: 28.05.2018

Tanuj Singla

.....Petitioner

Vs.

State of U.T., Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ravinder Rana, Advocate, for the petitioner.

Mr. Ashima Mor, APP, for U.T., Chandigarh.

Mr. Bhanu Partap Singh, Advocate, for respondents no. 2 and 3.

AMOL RATTAN SINGH, J. (ORAL)

FIR No. 303, dated 29.09.2010, having been registered against the petitioner at Police Station Sector 34, Chandigarh, alleging therein the commission of offences punishable under Sections 279 and 337 IPC (with Section 304-A IPC added later on), he during the pendency of the criminal proceeding is stated to have gone to Canada in January 2011, with the report under Section 173 Cr.P.C. having been submitted to the competent Court on 14.06.2011.

Thereafter, despite summons issued to the petitioner by the competent Court on various occasions, and thereafter warrants having been also issued for his production, eventually he was declared to be a Proclaimed Offender, vide the impugned order dated 11.12.2013 (Annexure P-3).

Learned counsel for the petitioner submits that in fact the summons and the warrants were actually not served upon the petitioner in any manner, he firstly having gone to Canada and secondly, even within India, his father having changed residence in September 2011.

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Upon specific query, as to whether the petitioner, who was fully aware of the criminal proceedings against him, had either informed the police authorities or the Court that he was proceeding abroad, or whether his father had informed even of the change of address, the answer is in the negative.

Very obviously, the petitioner was avoiding service of summons.

Facing the aforesaid predicament, when this Court was actually in the process of dismissing the petition, learned counsel for the petitioner submits that the petitioner being a student at the time, who went abroad for studies, leniency may be shown on that ground alone.

Learned counsel for the complainant submits that as a matter of fact the legal heirs of the deceased and the petitioner have compromised the matter with each other.

Though the validity of the compromise would be facing a huge question mark, in terms of the ratio of the judgment of the Division Bench of this Court in **Baldev Singh** vs. **State of Punjab and another** 2016 (3) LAW Herald 2020, simply in order to ensure that at least the trial now goes on to its logical culmination, it is directed that the petitioner shall surrender before the trial Court within a period of one month; and upon his arrival in India, he shall be admitted to interim bail to the satisfaction of the arresting officer/Area Magistrate, till he appears before the trial Court; which would thereafter take a decision within a period of one week thereafter, as to whether the bail is to be further extended or not.

Disposed of.

May 28, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes