

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

**245**

**CRM-M No.4755 of 2017 and  
CRM-M No.14449 of 2017  
Date of Decision:12.07.2018**

Gaurav Sharma @ Goldy

....petitioner

Versus

State of Punjab and others

.....respondents

**CORAM: HON'BLE MS.JUSTICE JAISHREE THAKUR**

Present: Mr.H.S.Dhindsa, Advocate  
for the petitioner

Ms.Rajni Gupta, Senior DAG Punjab

Mr.S.K.Virk, Advocate  
for respondent No.4

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**JAISHREE THAKUR, J. (ORAL):**

This order proposes to dispose of Criminal Misc.M-4755 of 2017 and Criminal Misc.M-14449 of 2017, both titled as “Gaurav Sharma @ Goldy vs. State of Punjab and others”.

In brief, the facts are that FIR No.71 dated 23.06.2015, under Section 306 of the Indian Penal Code (for short 'IPC'), was got registered at Police Station Hoshiarpur, in which Gaurav Sharma @ Goldy-petitioner herein, was kept in column No.2 in the challan that was presented under Section 173 Cr.P.C. on 17.08.2015. After the trial commenced, an application under Section 319 Cr.P.C was moved seeking to summon the petitioner as an additional accused. The matter was heard and the said application was allowed by an order dated 20.09.2016 (Annexure P4). Since the petitioner did not put an appearance, he was declared as proclaimed offender by order dated 19.12.2016 (Annexure P5).

**CRM-M No.4755 and 14449 of 2017**

The petitioner herein seeks to challenge both the said orders i.e.the order declaring him proclaimed offender by arguing that he had in fact left for overseas on 31.03.2016, much prior in time to him being summoned. In fact, the matter had been investigated and he had been cleared of all the charges and kept in column No.2 in the challan. He also seeks to challenge the summoning order dated 20.09.2016 on similar grounds. The petition is contested by the respondents, who submit that the impugned order summoning the petitioner herein, is valid, since he is the elder brother-in-law of the complainant's daughter, who committed suicide while being in her matrimonial home.

I have heard learned counsel for the parties and without going into the merits of the case, deem it appropriate to set aside the order dated 19.12.2016, vide which the petitioner herein has been declared as proclaimed offender, if he appears before the trial Court which is seized of the matter, within a period of six weeks, as on date. This Court is not inclined to go into the merits of the present cases. At this stage, learned counsel for the petitioner seeks to withdraw CRM-M No.4755 of 2017, while submitting that he is ready to face the proceedings in the trial Court, if his arrest is stayed.

In view of the above, both the petitions are disposed of. Arrest of the petitioner-herein is stayed, limited to a period of six weeks, directing him to appear before the trial Court. On doing so, he be released on bail, after furnishing bail bonds and surety to the satisfaction of the trial Court.

12.07.2018

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Whether speaking/reasoned

Whether reportable-

**(JAISHREE THAKUR)**

**JUDGE**

Yes/No.

Yes/No