

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

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CRM-M No.5087 of 2018

Date of Decision: February 19th, 2018

Pawan Pathak @ Pawan Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

On hearing the submissions made by learned counsel for the petitioner and keeping in view the fact that in a private complaint, petitioner has been summoned as an accused, where according to the petitioner, he has not been served as his address has wrongly been given as that of Gurdaspur, whereas he resides in H.No.173, Gali No.4, Professor Colony, Phagwara, Tehsil Phagwara, District Kapurthala. Since the petitioner has never been served and was not aware of the summoning order, he could not appear before the trial Court, which resulted in passing the order of declaring him a proclaimed offender, on 10.11.2016 (Annexure P-3).

Counsel contends that the petitioner shall appear before the trial Court within a period of one week and surrender to the jurisdiction of the Court and shall continue to join the proceedings on the date which are fixed by the Court.

Keeping in view the statement made by the counsel for the petitioner and especially the Aadhaar Card, copy whereof has been appended as Annexure P-5, which indicates the correct address of the petitioner, request of the counsel for the petitioner for appearance before the trial Court is accepted.

In case the petitioner surrenders before the trial Court within a period of one week from today as stated by the counsel and moves an application for grant of regular bail, he shall be admitted to bail to the satisfaction of the trial Court.

The petitioner shall thereafter continue to appear before the trial Court without fail on the date which may be fixed in the proceedings.

The petition stands disposed of accordingly.

February 19th, 2018

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No