

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

**CRM-M No. 51100 of 2018
Date of Decision:-21.11.2018**

Karamjit Kaleka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. K.S. Dadwal, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Complainant Jagsir Singh (since deceased) had brought a criminal complaint for offences punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323, 324, 379, 34, 452 IPC against five accused persons, including the petitioner, namely, Karamjit Kaleka (accused No.2). During the pendency of the complaint, the petitioner left India on 11.6.2012 and went abroad and later on continued to attend his ailing wife, who expired on 15.9.2018. Learned counsel has further submitted that the complainant was well aware that the petitioner is not in India and therefore, no summons could have been effectively served upon him that resulted into declaration of petitioner as proclaimed person on 10.12.2002.

In between, the complainant and accused persons entered into a compromise and, resultantly, the complaint ended in acquittal of accused persons, who faced the trial except the petitioner, who was absent.

Mr. Dadwal, learned counsel for the petitioner has contended that absolving the petitioner's brother would amount to his absolvment also of the accusations made in the complaint. It is also apprised that the complainant has also expired and the proceedings of the complaint qua him are mere formality in the facts and circumstances of the case. He contends that the petitioner shall appear before the trial Court within a period of two weeks from today and shall face the proceedings in the complaint case.

Considering the nature of the offence, compromise and the sufficient reasons explained by learned counsel for the petitioner preventing his client to put in appearance before the Court, this Court deems it appropriate to allow him an opportunity to appear before the trial Court within two weeks and on his appearance, he shall be admitted to bail by the trial Court. Thereafter, the trial Court shall proceed against the petitioner in the complaint case, in accordance with law.

Considering the nature of offence in case the petitioner appears before the trial Court, the order dated 10.12.2002 shall be deemed to be set aside.

Disposed off.

November 21, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No