

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2702-2018 (O&M)

Date of Decision:-25.09.2018.

Danvir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In this petition, petitioner has sought for quashing of the order dated 25.07.2018 by which the trial proceedings have been dissected insofar as Pardeep is concerned as he was absconder.

2.) Learned counsel for the petitioner submitted that such dissecting of trial proceedings merely because of absconder proceedings cannot be concluded in terms of the Section 299 Cr.P.C. In support of his contention, he relied on decision passed in **Gagan Thakur Vs. State of Jharkhand and others** reported in **2004 (3) R.C.R. (Criminal) 198**.

3.) In the present case, it is undisputed that Pardeep remained absconder which is evident from the order dated 25.07.2018. If number of accused are more than one in a particular criminal case and if one or two remained absconder, in that event, Court cannot wait till secure of such absconder for the purpose of proceeding criminal proceedings. In the

present case, evidence qua the other accused has already been concluded and fixed for recording statement of accused under Section 313 Cr.P.C. At this stage, segregation of trial qua petitioner is correct because in joint trial all the evidence is required to be open, as opportunity to petitioner is necessary. Therefore, Trial Court rightly segregated the trial. Therefore, petitioner has not made out a case.

4.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

September 25, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.