

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

CRA-S-3330-SB-2011 (O&M)

Date of decision: 06.04.2019

Rajender Singh

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Harmanpreet Kaur, Advocate for
Ms. Deepshikha Chauhan, Advocate (Legal Aid Counsel)
for the appellant.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this appeal is for setting aside the judgment of conviction dated 12.11.2011, passed by the Special Judge, Panipat, vide which, the appellant was held guilty for commission of offence punishable under Section 18(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 well as the order of sentence dated 14.11.2011, wherein the appellant was sentenced to undergo rigorous imprisonment for a period of 08 years and to pay a fine of Rs. 80,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 year.

This appeal has been taken in the category of those cases which are listed on Saturdays in which accused are in custody and their appeal is being represented by a legal aid counsel.

As per information supplied by the Superintendent, District Jail, Karnal, the appellant was transferred to District Jail, Bhilwara,

Rajasthan on 02.12.2011, however, as per the jail custody certificate, issued by the Superintendent, Central Jail, Ajmer, the appellant was undergoing the sentence in the present case and it is further stated in the affidavit that appellant is facing trial in as many as 17 other FIRs pending in Rajasthan, Punjab, Uttar Pradesh and Madhya Pradesh. It is further stated in the custody certificate that on 11.01.2011, the accused was taken in police custody from Ferozepur, Punjab to Nagaur, Rajasthan for attending the court proceedings, however, he escaped from the police custody and he was again arrested on 06.03.2017 and thereafter, he was transferred to Central Jail, Ajmer on 08.03.2017. It is further stated that again the accused was taken to Ferozepur in Punjab for appearance in Court and he again escaped from police custody on 08.01.2019 and in this regard, an FIR No. 2 dated 18.01.2019 was registered and till date, the accused is absconding and is not the inmate of Central Jail, Ajmer.

A Division Bench of this Court in ***CRA-D-1035-DB-2013***, titled as ***Ankur Gupta vs. State of Haryana***, decided on 18.05.2018, has passed the following order:

“Learned counsel for the appellant submitted that he has no instructions from the appellant to appear in the appeal. He may be permitted to withdraw his power of attorney. Ordered accordingly. Custody certificate of the accused dated 17.05.2018 produced by the learned State counsel in Court is taken on record. The appellant in the present case was convicted under Sections 376(2)(c), 376(2)(f) and 506 IPC and sentenced to undergo imprisonment for life. Fine of ₹4,10,000/- was also imposed. The charge proved against the appellant was that he had sexually exploited minor girls aged 9, 11 and

12 years respectively under the garb of running a NGO for destitute children. The appeal was admitted on 11.09.2013. The appellant was granted parole for four weeks on 13.05.2017 on the ground that he was to get his children admitted in school. He was to surrender in jail on 11.06.2017 but has absconded thereafter. In such cases the authorities should have been careful in granting parole. Be that as it may, as the appellant has failed to surrender after he was released on parole for nearly one year, we do not deem it appropriate to hear the appeal on merits. The same is accordingly dismissed. However, liberty is granted to the appellant to get the same revived in case he surrenders back. The State is directed to make earnest efforts to arrest the appellant.”

In view of the above, this appeal is dismissed.

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April 06, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No