

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

**CRM-M No. 5830 of 2018
Date of Decision:-06.02.2019**

Ajay Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Ajay Kumar has filed this petition under Section 482 Cr.P.C. for quashing of Complaint No.17/1/08 dated 12.12.2000, under Sections 323, 342, 352, 355, 357, 500 and 504 IPC, filed in the Court of Judicial Magistrate 1st Class, Jalandhar (Annexure P-1) as well as the order dated 14.9.2005 (Annexure P-2) declaring him proclaimed offender.

On 14.2.2018, following order was passed by this Court :-

“Submits that the petitioner was in Canada and in his absence, he was declared proclaimed offender in both the cases without following due process.

In the absence of the petitioner, the trial against the co-accused was concluded and resulted into acquittal of the co-accused vide judgment dated

21.8.2009 (Annexure P-3).

Learned counsel for the petitioner further submits that the petitioner is ready to join the proceedings.

Notice of motion for 4.7.2018.

Keeping in view the circumstances of the case, the petitioner is directed to surrender before the learned trial court within one month from today and on his doing so, he be admitted to ad-interim bail in both the cases subject to the satisfaction of the learned trial Court and till then, operation of the impugned order (Annexure P-2) shall remain stayed.

A photocopy of this order be placed on the file of the connected matter, numbered above.”

The compliance of order dated 14.2.2018 was not made and the petitioner did not appear before the Court. However, on 04.7.2018, it was apprised that the petitioner is based in Canada, who suffered paralysis attack and confined to bed. Further 60 days time was sought to comply with the order dated 14.2.2018.

Learned counsel for the petitioner concedes that previous order dated 14.2.2018 has not been complied with as the petitioner is not in a position to travel and come to India. In view of the aforesaid position, learned counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn.

February 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No