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

CRM-M-8666-2019 (O&M)

Date of decision:29.10.2021

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr.Sardavinder Goyal, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

Upon conclusion of criminal complaint No.269/1-B dated 16.08.2013, wherein offences under Sections 294, 323, 506, 148 and 149 IPC, are embodied, an order of acquittal was pronounced against the co-accused concerned. The verdict of acquittal has been passed by learned trial Court vide Annexure P-4.

Through, the instant petition the bail petitioner who did not participate as an accused in the afore drawn trial against the co-accused, and rather became declared a proclaimed offender, has on the basis of a verdict of acquittal, borne in Annexure P-4, hence asked for parity alongwith other co-accused. Moreover, he claims that the criminal complaint supra be quashed.

However, the afore made prayer before this Court cannot be granted to the petitioner. The reason being, that the petitioner, did not participate, as an accused alongwith other co-accused in the trial arising from the complaint supra.

His absention from trial, and, his being hence declared a proclaimed offender,

vests jurisdiction in the trial Court, to upon his making appearance before it, rely upon the mandate of Section 299 Cr.P.C. In addition if the prosecution witnesses, who have earlier made their respective testifications, in the trial arising from criminal complaint supra, if they are not dead or incapacitated to depose, as witnesses, rather are required to re-step into the witness box, for recording of their examinations-in-chief, and, for thereafters, theirs being cross-examined, by the defence counsel concerned.

The afore process of law is required to be completed. Consequently, there is no merit in the petition, and, the same is dismissed.

The trial, as arising out of criminal complaint supra is directed to be concluded within six months from today.

(SURESHWAR THAKUR)
JUDGE

29.10.2021

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Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No