

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-36065-2021
Decided on : 03.09.2021

Baldev Singh & anr.

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Piyush Sharma, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.PC is for issuance of directions to JMIC, Mohali to issue certified copy of the order dated 17.09.2020 vide which the petitioners have been declared proclaimed offender.

Learned counsel for the petitioners contends that despite a vakalatnama having been filed on behalf of the petitioners, who are stated to be in Australia, the Court below has declined to give them a certified copy of the order dated 17.09.2020 declaring them proclaimed offender in case FIR No.26 dated 15.06.2019 registered under Section 498-A IPC (Section 406 IPC added later on) at Police Station NRI, SAS Nagar. In support of his submission, learned counsel has invited the attention of this Court to Annexure P-2. He further submits that even prior to the registration of the FIR in question, the petitioners had been living in Australia and hence, they were not even aware about the registration of the FIR in question and thus, there was no occasion for them to appear in the Court of law through their

counsel. Learned counsel has further invited the attention of this Court to a duly notarized Special Power of Attorney, which has been annexed with the petition on behalf of the petitioners at page 18-A. It has been submitted that vide the said special power of attorney the petitioners had appointed one Jagraj Singh s/o Jagtar Singh, VPO Kota Issekha District Moga to give evidence, to sign and verify the documents/applications, to engage counsel/Advocate to produce and give evidence, file affidavits etc. on their behalf. Learned counsel submits that in the aforementioned background and more so when the petitioners were stuck in Australia due to non-availability of flights on account of the pandemic, the trial Court may be directed to accept the power of attorney of the counsel on behalf of the petitioners and thereafter issue a certified copy of the order dated 17.09.2020 vide which they were declared proclaimed offender.

Heard.

In view of the above, present petition is disposed of with a direction to the Court concerned that in the wake of Special Power of Attorney, which has been given by the petitioners in favour of Jagraj Singh, who in turn has engaged a counsel, to issue a certified copy of the order dated 17.09.2020 vide which the petitioners were declared proclaimed offender.

(MANJARI NEHRU KAUL)
JUDGE

03.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No