

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

CRM-M-231 of 2021

DECIDED ON: 21st JANUARY, 2021

Harmeet Singh @ Aman Deep Randhawa

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.P. Soi, Advocate for petitioner.

Ms. Rashmi Attri, AAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking quashing of order dated 22.12.2020 passed in case FIR No. 25 dated 24.4.2012 under Sections 406, 498-A, 506 IPC, registered at Police Station Women Cell Jalandhar, District Jalandhar, whereby exemption from personal appearance of the petitioner was declined.

The brief facts are that FIR was lodged by the ex-wife of the petitioner. During trial in the year 2012, petitioner was declared Proclaimed Offender (PO). Other two co-accused namely Gurnam Singh s/o Dalip Singh and Kamaljit Kaur w/o Gurnam Singh were acquitted. The petitioner came to India and applied for bail, which was granted on 10.12.2020. Thereafter, the petitioner moved an application for permanent exemption from his personal appearance and for permission to go abroad on account of his job exigencies. It was pleaded that his emergency visa is to expire on 31.1.2021 and he has already availed one extension. The prayer was rejected and hence, the present petition.

Learned counsel for the petitioner submits that when the FIR was registered, the petitioner was residing abroad, hence, he could not appear before the trial Court. He submits that petitioner has to fly back on 28.1.2021. Learned counsel for the petitioner further submits that complainant and petitioner had settled the dispute, parted ways and the lady is now residing in Australia. FIR against the petitioner could not be quashed as he was out of India.

Learned counsel for the State submits that the petitioner intentionally did not appear before the trial Court. If he is allowed to go back the trial will not proceed, as the same has already been delayed for more than 8 years.

Learned counsel for the petitioner at this stage submits that as and when required, the petitioner will appear before the trial Court. He will be in regular contact with his counsel to know the status of the trial. He further offers to deposit Rs.10,00,000/- before the trial Court to show his *bonafide*.

Considering the facts and circumstances of the case and the offer made by the petitioner, the petition is allowed. The impugned order is set aside. The petitioner shall deposit Rs.10,00,000/- on or before 25.1.2021 before the trial Court. The said amount shall be kept in form of an FDR with a nationalized bank. The amount shall be subject to outcome of the trial. He would be allowed to appear through counsel until and unless his presence is specifically required.

However, in case the petitioner fails to appear as and when required by the Court, the amount deposited would be forfeited. As undertaken by the petitioner it would be his duty to keep himself updated with the status of trial.

Disposed of.

(AVNEESH JHINGAN)
JUDGE

21st JANUARY, 2021

reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>