

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

**119**

**CRM-M-41673-2022**

**Date of Decision: 13.09.2022**

**Gian Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and another**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Amardeep Singh Gill, Advocate  
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

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**ANOOP CHITKARA J. (ORAL)**

Learned counsel for the petitioner submits that he would be contended and satisfied that considering the age of the petitioner/accused which is 90 years, he be permitted to appear through his counsel and the Court should not insist upon his personal presence during the trial. He further submits at bar that the petitioner/accused shall not claim any prejudice in case he appears through his counsel. Learned counsel further submits that the petitioner is residing in California (USA) and he cannot undertake a long journey which exists even all the shortest flight for more than 15 hours.

Given above, learned counsel for the petitioner submits that he be permitted to file a declaration signed at USA and through such declaration he should inform the trial Court and in case of conviction he shall surrender before the trial Court. Petitioner to declare that his counsel can take decisions regarding pleading guilty or not at the time of framing of charges.

Let the petitioner prepare a declaration positively on or before 31.10.2022 and send it by post either to his counsel or to the concerned Court directly. In case, it is send to the counsel then the counsel shall hand over the same to the Court. On receipt of such declaration, the trial Court instead of asking to furnish personal bonds, take only one surety to the sum of Rs.25,000/-. The said surety shall undertake to make the presence of the accused in the Court in case, he is convicted. It is further clarified that at the time of framing of charges, his counsel shall take decision regarding pleading of guilty or not as per declaration of the petitioner. This order is subject to furnishing declaration and surety bond before the trial Court. Failure to do so, this order shall be automatically recalled and in case, the petitioner is unable to comply with the order. In case, more time is required to comply with the order, it shall be permissible to file an application for extension of time.

Given above, the petition is partly allowed to the extent mentioned above and the trial Court shall not insist upon personal presence the petitioner/accused and allow him to appear through counsel in the trial. Order dated 23.02.2011, vide which the petitioner was declared as proclaimed offender, is set aside.

Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**13.09.2022**  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |