

CRM-M-11009-2023
DECIDED ON:02.03.2023

GULAM RASOOL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Deepak Arora, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner has assailed the order dated 27.01.2023 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Mukerian, District Hoshiarpur in FIR No.47, dated 06.08.2017, under Sections 406, 420, 465, 468 and 471 of the IPC, registered at Police Station Hajipur, District Hoshiarpur, whereby the petitioner was declared as proclaimed person.

Learned counsel for the petitioner contends that since the filing of challan and framing of charge, the petitioner has been continuously appearing before the trial Court but on 21.04.2022, the petitioner did not appear before the Court of Ms. Rinki Agnihotri, learned Judicial Magistrate Ist Class, Mukerian and the matter was adjourned to 02.06.2022 and on that day, the petitioner was present with his counsel in the Court of Sh. Manik Kaura, Judicial Magistrate Ist Class, Mukerian and the case was adjourned to 22.08.2022 for further consideration, as is evident from the zimni orders (Annexures P-3 and P-4) respectively. He further asserts that on 22.08.2022, the petitioner again went to the Court along with his counsel but he could not find his matter in the cause list and was got surprised, who was informed on

inquiry that certain matters of the said Court have been distributed to various other Courts and the learned counsels representing the parties will be apprised of the next date of hearing.

It is under this confusion, the petitioner could not appear before the trial Court, despite his due diligence and non-bailable warrants were issued against him, which were never served upon the petitioner, who is residing at Chandigarh i.e., address already on record with the trial Court.

Learned counsel for the petitioner further submits that the absence of the petitioner is neither intentional nor deliberate and it was only due to miscommunication gap between him and his counsel. He also submits that the petitioner is ready and willing to surrender before the trial Court within one week.

Considering the aforesaid statement and in the totality of facts and circumstances, apart from the fact that the presence of the petitioner in the case would only help in furtherance and conclusion of the trial without causing any further delay, the petitioner is directed to surrender before the trial Court within a period of one week and move an appropriate application for bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

The present petition stands disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

02.03.2023
Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>