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

CRM-M-29028-2023

Date of Decision: 02.06.2023

Jagdeesh Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P.S. Dhaliwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing of order dated 27.04.2023 in complaint case No.COMI/502 dated 21.02.2022 in FIR No.0002 dated 10.01.2022, under Sections 323, 325 of IPC, at Police Station Sehna District Barnala whereby the petitioner has been declared as proclaimed person by the Court of learned Judicial Magistrate Ist Class, Barnala.

It has been submitted by learned counsel for the petitioner that as the son of the petitioner who is residing in London suffered major accident and received spinal cord injury and was unable to move and was got hospitalized on 29.03.2021 and being father, he applied for Visa immediately to look after him. Petitioner asked his counsel that he had to leave immediately and then the counsel said that he would apply for his personal exemption and thus, the petitioner left India. He submits that the petitioner never received the summons or bailable warrants or non-bailable warrants. He submits that the non-appearance of the petitioner was

unintentional due to the reason that he could not be served as he was not in India. He submits that the petitioner is ready and willing to appear before the competent Court and face the trial.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab. accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person on 27.04.2023 who remained absent and was also not in India.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner had to go to London to look after his son who suffered injuries in an accident and hence, he could not be served and was declared as proclaimed persons. As the petitioner is now ready to join the proceedings, no useful purpose will be served by sending him behind bars, rather it would be appropriate if he is directed to face the trial. So keeping in view the abovesaid contentions, order dated 27.04.2023 is *set aside* and the petitioner is directed to appear before the trial Court subject to payment of Rs.50,000/- as costs to be deposited with the Punjab and Haryana High Court, Bar Association Lawyer's Welfare Fund, Chandigarh by the petitioner within one week from today.

In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit him to bail subject to its satisfaction in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and the order dated 27.04.2023 will come into force.

02.06.2023
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No