



CRM-M- 38791-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 38791-2024 (O&M)
Date of decision: 22.08.2024

Gurdeb Singh @ Gurdeep Singh

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

CRM-33314-2024

Keeping in view the averments made in the application preferred under Section 482 Cr. PC, documents are taken on record as Annexures A-1 and A-2 subject to all just exceptions.

2. Disposed of.
3. Registry to tag the same at appropriate place.

Main case

1. By way of instant petition filed under Section 482 Cr. PC, the petitioner has challenged the impugned order dated 03.01.2024



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(Annexure P-2), passed by learned Additional Sessions Judge, Kaithal, whereby the petitioner had been declared as proclaimed person in an appeal, i.e. CIS No. CRA/42/2022, '*Gurdeb Singh vs. HDFC Bank Ltd*', on account of the absence of the petitioner.

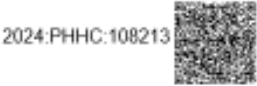
2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has preferred the appeal (*supra*), against his conviction which is pending in the Court of learned Additional Sessions Judge, Kaithal, wherein the petitioner failed to appear and absented on 15.12.2022. He contends that absence of the petitioner was on account of his son having met with an accident and he has corroborated his version by placing on record Annexures A-1 and A-2 (*supra*). As such, the petitioner prays for quashing of the impugned order dated 03.01.2024 (Annexure P-2).

3. After hearing learned counsel for the petitioner and perusing the record, it transpires that the petitioner, admittedly, has filed an appeal i.e. CRA/42/2022, '*Gurdeb Singh vs. HDFC Bank Ltd*' before the Court of learned Additional Sessions Judge, Kaithal. It is evident from the perusal of the impugned order (Annexure P-2) that the petitioner had absented from proceedings w.e.f. 15.12.2022. The learned counsel for the petitioner has taken the ground that the absence of the petitioner from the proceedings was on account of his son having sustained injuries as per Annexures A-1 and A-2 but the perusal thereof

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would reveal that Annexure A-1 pertains to the period 06.10.2021 to 17.10.2021 whereas Annexure A-2 is certifying one Naseeb Singh being admitted from 14.05.2023 to 18.05.2023. None of the aforesaid medical certificates (Annexures A-1 and A-2) pertain to the period during which the petitioner absented from the proceedings, so the petitioner cannot derive any benefit out of these documents. Thus, the aforesaid plea and role taken by the petitioner to establish the justifiable ground for his absence from Court proceedings, hopelessly is found to be devoid of any merits nor is it found relevant with the period in issue. Further from the perusal of the impugned order (*supra*) Annexure P-2, it is observed that the learned Trial Court while issuing the proclamation and declaring the petitioner as proclaimed person in the case, has duly complied with the provisions laid down under Section 82 Cr.PC. Even the learned counsel for the petitioner could not point out any illegality or infirmity in the impugned order so as to call for any interference of this Court therein.

4. In view of the above, no infirmity or illegality can be observed in the impugned order dated 03.01.2024 (Annexure P-2), passed by learned Additional Sessions Judge, Kaithal, so as to call for any interference by this Court at this stage. Consequently, finding no merit in the instant petition, the same is dismissed.



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5. Pending miscellaneous application, if any, also stands dismissed.

22.08.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |