

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45432 of 2024 (O&M)
Date of decision: 19th September, 2024

Birinder Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.P.S. Ahluwalia, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.37656 of 2024

In compliance of order dated 12.09.2024, learned counsel has filed a photocopy of the air tickets of the petitioner, which is taken on record subject to all just exceptions and the application stands allowed. A perusal of the air tickets reveals that the petitioner is due to land in India on 29.09.2024.

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1. The petitioner in the instant petition filed under Section 482 Cr.P.C. is praying for quashing of the order dated 10.07.2024 (Annexure P-7) passed by the learned trial Court vide which he was declared a proclaimed offender in case FIR No.98 dated 31.03.2021 under Sections 420, 406 of the IPC registered at Police Station Derabassi, District SAS Nagar owing to his non-appearance in the Court.



2. Learned counsel submits that the petitioner moved an application before the trial Court for permission to visit abroad to look after his ailing wife, who was suffering from life threatening disease, which was allowed, permitting him to visit abroad from 06.09.2021 to 31.03.2022, followed by further extension of time to stay there; subsequently, the petitioner went into depression after the demise of his wife and is still undergoing treatment at the United States. He submits that it was thus, for a genuine reasons that the petitioner was unable to put in an appearance before the Court. Learned counsel further submits that the petitioner is ready to appear and join proceedings before the learned trial Court after his arrival in India on 29.09.2024. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Court concerned and the Court be directed that his application, which he would be filing on his surrender, be decided expeditiously.

3. Notice of motion.

4. Mr. Shiva Khurmi, Asst. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In view of the limited prayer made by learned counsel appearing on behalf of the petitioner, the petition is disposed of with directions to the petitioner to appear and surrender before the learned



trial Court within seven days from the date of his arrival into India i.e. 29.09.2024. Till then, no coercive steps shall be taken against the petitioner.

7. However, it is made clear that in case the petitioner fails to surrender before the Court concerned within the above stipulated time period, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the learned trial Court shall make earnest efforts to decide the same expeditiously in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

September 19, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No