

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40945-2016

Date of decision: November 18, 2016.

Rakesh Kumar @ Keshi and another

... **Petitioners**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Narinder Lucky, Advocate for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

**A.B. Chaudhari**, J. (Oral):

In this petition, the petitioners have put to challenge the order dated 15.5.2014 made by JMIC, Phillaur, District Jalandhar by which the petitioners were declared as proclaimed offenders. The petitioners further seek stay of operation of the aforesaid order during pendency of this petition.

In FIR No.124 dated 16.12.2012, registered under Sections 307, 341, 148, 149 IPC and Section 25 of the Arms Act, Police Station Bilga, District Jalandhar, the petitioners are accused along with others. The charge sheet was filed before the trial court by the police against the petitioners and others and at the stage of committal of the proceedings since the petitioners were not available or were absent before the trial court, the trial court made an order of committal after declaring the petitioners as proclaimed offenders. The case was then committed to the Sessions Court.

Learned counsel for the petitioners submits that they were not actually served but the reports were sent to the learned Magistrate that the petitioners were absent from the village. He however submits on instructions from the petitioners that the petitioners would appear before the trial court upon surrendering and would also furnish the bail bonds to the

satisfaction of the Sessions Judge, Jalandhar. He further submits that the petitioners would appear before the Sessions Court hereinafter with promptitude and would not make any default in appearance before the court until the trial is completed.

In my opinion, the petitioners are entitled to be given a chance to have liberty rather than pushing them in jail in the present matter as the petitioners have undertaken to appear before the Sessions Court, Jalandhar hereinafter with promptitude and to furnish fresh bail bonds and not to make any default in appearance before the Sessions Court. In that view of the matter, finding no fault with the trial Judge, impugned order of the trial court and in order to give a chance to the petitioner to be at large, I make the following order:-

- (i) the impugned order dated 15.5.2014 is quashed and the petitioners shall appear before the Sessions Court, Jalandhar on the date fixed and shall furnish the bail bonds to the satisfaction of the Sessions Judge, Jalandhar;
- (ii) in the sessions trial, the petitioners shall continue to appear before the trial judge with promptitude;

Disposed of.

November 18, 2016.  
*kadyan*

[ **A.B. Chaudhari** ]  
**Judge**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No