

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

CRM-M-29527-2019 (O&M)

Date of decision : 15.07.2019

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Prabhjot Kaur Sodhi, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Although, petition under Section 438 Cr.P.C. is not maintainable, however, on the oral request of learned counsel for the petitioner, present petition is treated as one under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that the petitioner-accused was declared proclaimed offender as he could not appear before the Court on the date fixed for appearance. She further submits that the parties have in fact settled their dispute which would be apparent from the statement of the parties dated 24.05.2017 (Annexure P-4). She further submits that the petitioner undertakes to appear before the Court within 10 days and apply for regular bail.

The purpose of declaring the accused proclaimed offender is to secure his presence. In the present case, petitioner was declared proclaimed offender on 23.04.2019 and thereafter he applied for anticipatory bail before

the Sessions Court which has been declined.

Keeping in view the facts which have come on file, the petitioner is directed to appear before the trial Court as undertaken by the learned counsel for the petitioner within 10 days and apply for bail. If such an application is moved, the Court would release the petitioner on bail subject to his furnishing bail bonds/surety bonds.

In view thereof, the order declaring petitioner as proclaimed offender is set aside subject to the compliance of the undertaking as given by the learned counsel.

In view of the above, the present petition is disposed of.

15.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No