

CRM-M-48100-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48100-2019 (O&M)

Date of Decision: 9th December, 2019

Gagandeep Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Arora, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.289 dated 07.10.2015, registered under Sections 307, 323, 382, 148, 149 and 506 IPC, Section 201 IPC added later on and Sections 25 and 27 of the Arms Act, 1959, at Police Station City Tarn Taran, and for quashing of the order dated 01.07.2019 (Annexure P-2) passed by the learned Chief Judicial Magistrate, Tarn Taran, whereby the petitioners have been declared as proclaimed offenders, and all the subsequent proceedings arising therefrom qua the petitioners.

Learned counsel for the petitioners states that the present FIR was registered against the petitioners and others. Co-accused, Gurpreet Singh @ Gopi and Bhagwan Singh have been acquitted by the Additional Sessions Judge, Tarn Taran, on 30.11.2019, on the ground that the

complainant and the prosecution witnesses had not supported the case of the prosecution. Referring to Annexure P-3, learned counsel for the petitioners points out that respondent No.2-complainant, Kawanjit Singh @ Bahadur, has executed a self declaration letter that the compromise has been effected between the parties and he had no objection, if the present FIR is quashed.

In the present case, the petitioners were declared proclaimed offenders on 01.07.2019 as there was no intimation regarding the proceedings pending before the Court. Counsel for the petitioners states that the petitioners are ready to surrender and face the trial.

Heard.

The notice in this case is not being issued to the respondent to prevent the delay in the trial.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Keeping in view the above, the impugned order dated 01.07.2019 is hereby set aside. The petitioners are directed to surrender before the Duty Magistrate within ten days from today. On their doing so, Duty Magistrate shall release them on bail, subject to their furnishing bail/surety bonds to its satisfaction, and further subject to the costs of Rs.50,000/- to be paid jointly and be deposited with the District Legal

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Services Authority, Tarn Taran. If the petitioners fail to comply with the aforesaid directions, the instant petition shall stand dismissed automatically.

9th December, 2019
Nisha

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No