

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 967 of 2020
Date of Decision: 13.01.2020**

Amandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of FIR No. 25 dated 5.3.2010 registered under Sections 307, 452, 326, 325, 506, 427, 148, 149 IPC, Police Station Kalanaur, District Gurdaspur (Annexure P-1) and the order dated 15.1.2013 (Annexure P-2) whereby the petitioner was declared proclaimed offender and all the consequent proceedings arising therefrom, on the basis of compromise dated 6.12.2011 (Annexure P-3) arrived at between the parties.

At the outset learned counsel for the petitioner submits that the father's name of the petitioner is Jagjit Singh whereas in the FIR as well as in the compromise dated 6.12.2011, his name has been mentioned as Judge. He further submits that the compromise between the parties had taken place on 6.12.2011 and the petitioner went to England on 2.8.2012 without obtaining permission of the Court and thus, he was declared proclaimed offender vide order dated 15.1.2013. Learned counsel further submits that the other co-accused have been acquitted vide judgment dated 20.9.2013

Notice in this case is not being issued as this would further delay the trial.

The compromise in the present case was effected way-back on 6.12.2011. The prosecution witnesses i.e. complainant Mandip Singh (PW-2), Bikramjit Singh (PW-3) and Pargat Singh (PW-4) were declared hostile and the co-accused were acquitted of the charges levelled against them vide judgment dated 20.9.2013 (Annexure P-4).

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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court within 10 days. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds to the satisfaction of the trial Court and further subject to petitioner's depositing costs of Rs. 10,000/- with the Government Institute for Blind in the concerned area.

The trial Court is also directed to dispose of the trial within three months from the date of receipt of certified copy of this order.

(HARNARESH SINGH GILL)
JUDGE

January 13, 2020
Gurpreet

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