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

CRM-M-19074-2021

Date of Decision: 01.07.2021

Ravinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.S. Kler, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition under Section 482 Cr.P.C. for quashing of order dated 8th March, 2021 whereby petitioner was declared as Proclaimed Offender [hereinafter 'P.O.'], in FIR No. 85, dated 14th November, 2018, under Sections 406/467/468/471/420/120-B IPC, registered at Police Station P.S. Sanour, District Patiala.

[3] As per the case set up, copies of documents of car owned by the petitioner were used by one Pushpinder Singh for obtaining a loan. Learned counsel for the petitioner submits that petitioner was not aware of the FIR and he had not participated in availing of loan. There are no signatures of the petitioner on the documents of loan and even the

original documents of the car are in the possession of the petitioner. He further submits that entire loan was repaid before the registration of FIR. In order to show his *bonafides*, the petitioner is ready to deposit cash security of ₹ 1,00,000/- with the trial Court, subject to outcome of the trial.

[4] Learned State counsel appearing on advance notice, opposes the prayer made.

[5] The machinery provisions provided in the Code of Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, ensures the presence of the accused during the trial.

[6] Considering the facts in totality and offer made by the petitioner, the order dated 8th March, 2021, declaring the petitioner as P.O. is quashed subject to his depositing ₹ 1,00,000/-, in cash, before the trial Court within 15 days. The amount deposited would be subject to outcome of the trial. The amount will be kept in an FDR of a nationalized bank. In case, the petitioner fails to appear before the trial Court as and when called for, the amount so deposited shall be forfeited.

[7] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

1st July, 2021
pankaj barweja

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No