

CRM-M-46111-2018

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

CRM-M-46111-2018 (O & M)

Date of decision: 06.01.2021

Gurpeet Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S.Rangi, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. B.S.Bedi, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-6228-2019

Allowed as prayed for, subject to all just exceptions.
Complainant-Manpreet Kaur is impleaded as respondent No.2. Amended
memo of parties is taken on record and the Registry is directed to tag it at
appropriate place.

CRM-151-2021

Allowed as prayed for. Compromise (Annexure P-7) is taken
on record, subject to all just exceptions.

CRM-5544-2020

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Allowed as prayed for. Affidavit of the petitioner alongwith annexures is taken on record, subject to all just exceptions.

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Challenge in the present petition is to the order dated 23.02.2017 (Annexure P-6) passed by the learned Chief Judicial Magistrate, Mohali, vide which the petitioner has been declared as a proclaimed offender in case bearing FIR No.214 dated 01.12.2015, registered at Police Station Phase-I, Mohali, District SAS Nagar, under Sections 406 and 498-A IPC.

It is stated in the petition that the petitioner left for Canada on 08.08.2015 and reached there on 09.08.2015, whereas the present FIR was registered on 01.12.2015. The entire proceedings under Section 82 Cr.P.C. had been initiated and conducted at the back of the petitioner and he came to know about the above-mentioned FIR much later on. The petitioner had not intentionally evaded the process of law.

A Coordinate Bench, on 17.10.2018, directed that in case the petitioner arrived by the Air India on 27.10.2018, he would not be arrested on his arrival and he would appear before the trial Court within a week of his arrival and he would be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

Learned counsel for the petitioner contends that in pursuance of the order dated 17.10.2018, the petitioner had appeared before the trial Court within a week of his arrival and was released on interim bail, and since then, he has been regularly appearing before the trial Court.

At this stage, it has been pointed out that a compromise has

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been effected between the petitioner and respondent No.2, vide compromise deed dated 21.12.2020 (Annexure P-7), and both of them are presently residing separately.

Learned counsel for respondent No.2 does not dispute the factum of compromise between the petitioner and respondent No.2. He also points out that they have moved an application under Section 13-B of the Hindu Marriage Act wherein the first motion had been passed and the second motion is fixed for 07.01.2021.

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. Moreover, the petitioner and respondent No.2 have compromised the matter.

In view of the above, the present petition is disposed of and the interim order dated 17.10.2018 passed by the Coordinate Bench, granting interim bail to the petitioner, is made absolute.

06.01.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No