

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

CRM-M-29080 of 2021

Date of Decision: 09.08.2021

Harpreet Singh @ Happo

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for quashing of order dated 20.08.2019 passed by learned Addl. Sessions Judge, Kapurthala declaring the petitioner as proclaimed offender in case FIR No.80 dated 27.09.2015 under Sections 24/25 & 54 of the Arms Act, 1959 registered at P.S Rawalpindi, District Kapurthala.

As per allegations in the FIR, the petitioner was apprehended and .32 bore pistol along with six live cartridges were recovered from him. The petitioner did not carry any licence or permit for the same.

It is the case of the petitioner that the petitioner was granted bail by the trial Court in the said case. Thereafter, he had been appearing regularly. However, on 29.01.2019, the petitioner could not appear before the trial Court as another case had been registered against him. He moved an application for exemption for his personal appearance, which was allowed for that day. However, because of non-appearance of the petitioner on the next date of hearing i.e 27.02.2019, his bail bonds were cancelled and his presence was ordered to be secured through non-bailable warrants.

Thereafter, the petitioner has been declared as proclaimed offender vide the

order impugned.

Learned counsel for the petitioner states that it was never the intention of the petitioner to evade the process of law. It was only because the petitioner apprehended his arrest in another case that the petitioner could not appear on the date fixed. The petitioner is ready and willing to face the trial. He undertakes that he shall appear before the learned trial Court on any date to be fixed by this Court.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 10.09.2021. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, be subject to the petitioner depositing a sum of Rs.25000/- with Shaheed Ajit Singh Police Welfare Fund. within two weeks from today.

August 09, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No