

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CRM-M-13340-2018 (O&M)

Date of decision: 19.12.2022

PIRTHI SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

CRM-43770-2022

Instant application has been filed for preponing the date of hearing in the main case from 24.01.2023 to an early date of hearing.

Notice in the application.

Mr. Kamalpreet Bawa, AAG Punjab accepts notice and conveys his no objection to the preponing of the case.

Application is allowed. Main case is preponed from 24.01.2023 and is taken up on board today itself.

CRM-M-13340-2018

The present petition under Section 482 of the Cr.P.C. has been filed for quashing the impugned order dated 03.03.2011, passed by JMIC, Jalandhar

whereby declaring the petitioner as proclaimed person in FIR No. 351 dated 20.11.2008 under Sections 406, 420, 465, 467, 468, 471, 120-B of IPC, P.S. Division No.4, (now New Biradari) District Jalandhar (Annexure P-1).

Learned counsel for the petitioner submits that the FIR was registered in this case on 20.11.2008. Challan was presented in this case on 27.07.2013 and the petitioner was declared proclaimed offender vide order dated 03.03.2011. He further submits that the petitioner had appeared before the Commissioner of Police, Jalandhar in the year 2011 itself and an application was filed by him before the said authority on 09.07.2011, on account of which the same was marked, but the same had not been accepted. He further submits that the dispute has otherwise been settled between the complainant and the co-accused, based on which the compromise quashing was filed before the High Court and the same was allowed vide order dated 27.07.2015 Annexure P-12.

He, however, submits that the petitioner is ready and willing to join the proceedings, and prays that one opportunity may be granted for the petitioner to surrender before the learned trial Court, which may even be, subject to payment of costs. In support of his arguments learned counsel for the petitioner relies upon the orders of this Court in CRM-M-38277-2022 dated 26.08.2022, in the case of “Surjit Singh Vs. State of Punjab”, CRM-M-39000-2022, titled as “Raghav vs. State of Punjab”, decided on 9.9.2022 and CRM-M-36490-2022, “Major Singh vs. State of Punjab”, decided on 15.9.2022.

Learned State counsel submits that the impugned order has been rightly passed by the learned trial Court. Short reply by way of affidavit of Nirmal Singh (P.P.S.), Assistant Commissioner of Police, Sub-Division Central Jalandhar has been filed. Same is taken on record and the copy thereof has been furnished to

learned counsel for the petitioner.

Heard.

At times, the accused or his counsel can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot necessarily be construed as deliberate and willful. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner being not willful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help expediting the trial. Thus, in order to make the ends of justice meet and finding judgments referred to above being applicable to the instant case, the present petition deserves to be allowed.

In view of the facts and circumstances of this case, the impugned order dated 03.03.2011, passed by JMIC Jalandhar is set aside, subject to deposit of Rs. 15,000/- with the District Bar Association, Jalandhar. The petitioner is directed to surrender before the trial Court on or before 23.12.2022 and furnish his fresh bail/ surety bonds. On so doing, the trial Court shall release him on bail by imposing surety to its satisfaction. He is also directed to furnish an undertaking by way of his affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall also surrender his passport and will not leave the country without prior permission of the Court or the trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

Before parting with this order, it is made abundantly clear that in case

the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

December 19, 2022

S.Sharma(syr)

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