

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

223

CRM-M-21874-2018

Date of Decision: 18.11.2022

Harmail Singh @ Happy

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sachin Kalia, Advocate for
Mr.R.S.Bajaj, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of FIR No. 114 dated 16.08.2003 and all consequential proceedings including impugned order dated 05.11.2005 (Annexure P-2) whereby the petitioner was declared as proclaimed offender in FIR No. 114 dated 16.08.2003 under Sections 326, 324, 323, 427, 148, 149 IPC, registered at Police Station, Goraya District Jalandhar.

Learned counsel for the petitioner submits that petitioner did not appear before trial Court as there was an oral compromise between the parties and he was under wrong impression that the matter has been compromised. He further submits that meantime petitioner left for USA. The petitioner was not aware about proclamation and he was never served with summons issued by learned trial Court. There is non-compliance of mandate of Section 82 of Cr.P.C. Two co-accused have already been acquitted vide order dated 21.07.2006.

Learned State counsel fairly does not dispute above narrated facts, however, prays for imposition of costs.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view the fact that trial is pending since 2004, the petitioner is ready to face trial, during relevant time he was in USA and the co-accused has already been acquitted; the order dated 05.11.2005 (Annexure P-2) is set aside and the petitioner is directed to appear before learned Trial Court within 15 days from today. On the petitioner putting in appearance before the trial court, the trial court shall release him on bail on his furnishing bail bonds to its satisfaction. The petitioner, as agreed, shall pay costs of Rs.35,000/-, to be paid to the District Legal Services Authority, Jalandhar.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>