

**In the High Court of Punjab and Haryana at Chandigarh**

**119**

**CRM-M-53612 of 2022**

**Date of Decision: 18.11.2022**

**Bikram Singh @ Bikramjit Singh**

**---Petitioner**

**versus**

**State of Punjab and another**

**---Respondent**

**Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Onkar Rai, Advocate  
for the petitioner

Mr. Amish Sharma, AAG, Punjab

\*\*\*\*

**JAGMOHAN BANSAL, J. (ORAL)**

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 21.9.2016 (Annexure P-5) passed by Judicial Magistrate Ist Class, SBS Nagar whereby the petitioner has been declared as a proclaimed person in complaint case No. 28/1/2016 filing No. 4689/2013 titled as "Paramjit Singh vs. Pritpal Singh and others" filed under Sections 452, 325, 323, 380, 504 and 506 of IPC.

Learned counsel for the petitioner submits that the petitioner was in Canada when alleged summons were issued and he was declared proclaimed person on account of non-compliance of summons. The petitioner was never served with summons and there is total non-compliance of Section 82 CrPC. He further submits that co-accused has already been acquitted vide order dated 18.3.2017. The petitioner is willing to join proceedings before the trial court.

Notice of Motion.

On the asking of the Court Mr. Amish Sharma, AAG, Punjab, who is

present in Court, accepts notice on behalf of respondent-State and fairly does not

dispute the facts.

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 2016, the petitioner is ready to face trial, during relevant time he was in Canada and the co-accused has already been acquitted, the orders dated 21.9.2016 and dated 30.11.2015 are set aside and the petitioner is directed to appear before learned Trial Court on 2.12.2022. 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.25,000/-, to be paid to the District Legal Services Authority, SBS Nagar.

Disposed of in above terms.

( JAGMOHAN BANSAL )  
JUDGE

18.11.2022

*paramjit*

Whether speaking/reasoned : Yes

Whether reportable : Yes/No