

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-55077-2022 (O&M)

Date of Decision: 30.11.2022

Charanjit Singh @ Charanjit Bhatia

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Amandeep Saini, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., 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 07.10.2022 (Annexure P-7) whereby petitioner has been declared proclaimed person in FIR No.142 dated 01.12.2017 under Sections 406 and 420 of IPC registered at Police Station Sadar Nawanshahr, District SAS Nagar (Annexure P-1).

Learned counsel for the petitioner submits that the matter has already been compromised vide compromise deed dated 23.05.2018 (Annexure P-2). The petitioner was granted anticipatory bail vide order dated 13.11.2018 passed by this Court in CRM-M-37738-2018. The petitioner was regularly appearing before trial court, however, failed to appear on 27.05.2022 which resulted into cancellation of his bail and forfeiture of bonds. The petitioner has been declared as proclaimed person vide order dated 07.10.2022 (Annexure P-7). The petitioner is ready to pay costs of Rs.10,000/-for wasting valuable time of Court and prosecution.

The petitioner further undertakes to appear before trial Court on each and

every date.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

The object of arrest is neither punitive nor preventive. Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by Article 21 but also freedom guaranteed by Article 19(1) of our Constitution. Life of every human being is most precious gift of God and everyone has very limited span of life which cannot be spoiled on account of incompetence, personal grudge, vengeance of someone; or brutal, illegal, unethical action of the State machinery. Except habitual offender, commoners living simple life after arrest lose self-respect and confidence within himself as well State. It has become very common to put criminal law in motion even though dispute involved is purely contractual or civil in nature. Many times arrest entails deprivation of source of income of entire family besides forever stigma in a closely knit society like ours. There is neither mechanism to compensate a man who is later on found innocent nor acquittal can return valuable time, energy, status, future of family members especially children which is lost on account of incarceration of bread earner of the family. Imprisonment before conviction is a sort of punishment especially when rate of conviction in our country is abysmally low.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- ii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iii) The petitioner is resident of District SBS Nagar and trial is pending at Nawanshahr, thus, jurisdictional court and police authorities have direct access over the activities of the petitioner.
- iv) The petitioner was granted anticipatory bail by this Hon'ble court and is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
- v) Trial is pending since 2017 and it is in the interest of justice that trial is concluded at the earliest.

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear on or before Trial Court on 22.12.2022 and furnish fresh bail bond/surety bond. The petitioner, as agreed shall pay costs of Rs.10,000/- to District Legal Services Authority, SBS Nagar.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.11.2022

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