

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56154-2022

Date of Decision:02.12.2022

RAJWINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.K. Chandana, 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 09.11.2022 (Annexure P-2) passed by Additional Chief Judicial Magistrate, Faridkot whereby the petitioner has been ordered to be summoned through written proclamation.

Learned counsel for the petitioner *inter alia* contends that petitioner was arrested in the aforesaid FIR and thereafter released on regular bail vide order dated 11.09.2020 passed by learned Judicial Magistrate, First Class, Faridkot. Due to death in the family, the petitioner failed to appear before Trial Court and learned Trial Court cancelled bail of the petitioner and issued non-bailable warrants of arrest. The petitioner has been ordered to be summoned through written proclamation. The petitioner since 2019 was regularly appearing before the Trial Court. The petitioner is not involved in any other FIR. The lapse was unintentional and petitioner is ready to pay costs of Rs.10,000/-.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to costs.

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 reason assigned by petitioner is not convincing, however, 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 for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The Petitioner is not involved in any other offence;
- v) The petitioner is resident of District Kapurthala and trial is pending at Kapurthala, thus jurisdictional court and police

authorities have direct access over the activities of the petitioner.

- vi) The petitioner was initially granted regular bail by trial Court, Faridkot and petitioner thereafter, on many dates, appeared before trial court;
- vii) Trial is pending since 2019 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

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 before learned Trial Court on or before 29.12.2022 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Faridkot.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

02.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>