

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

116

CRM-M-56943-2022

Date of Decision: 07.12.2022

GURSEWAK SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.**

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

Through the present petition under Section 482 Cr.P.C., the petitioner is seeking quashing of impugned order dated 22.07.2021 (Annexure P-1) passed by JMIC, Amritsar, in FIR No.171 dated 24.11.2019 under Sections 406 and 420 IPC, registered at Police Station E-Division, Amritsar, vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner, *inter alia*, submits that complainant is wife of the petitioner, who has lodged FIR u/s 420, 406 IPC. The FIR was registered on 24.11.2019 whereas petitioner left for Dubai on 24.09.2019. As petitioner was out of country so he could not come to know about the FIR as well as proceedings initiated by trial Court. The challan was presented on 02.12.2021 and even at that time, petitioner was out of country. All the proceedings have taken place in the absence of petitioner and there is no compliance of Section 82 Cr.P.C. The petitioner is not involved in any other offence. The petitioner is

ready to face the trial. The petitioner is ready to pay costs of Rs.10,000/-. No prejudice is going to be caused to the prosecution if an opportunity is granted to the petitioner.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent-State and submits that State has no objection if the present 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.

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 left for Dubai on 24.09.2019 whereas challan came to be presented on 02.12.2021 and petitioner was declared proclaimed person on 22.07.2021;
- (vi) The petitioner is accused of commission of compoundable offence and dispute is between the married couple;
- (vii) Trial is pending since 2019 and petitioner is ready to face trial, thus, no prejudice is going to be caused 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 trial Court on or before 23.12.2022 and on his doing so, the trial court shall release him on bail on his furnishing bail bonds. The petitioner, as agreed, shall pay costs of Rs.10,000/- to the District Legal Services Authority, Amritsar.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

07.12.2022
Mohit Kumar

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