

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

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CRM-M-57628-2022

Date of Decision: 09.12.2022

Nirmal Singh @ Nimma

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Harmanpreet Singh, Advocate,
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 20.07.2022 (Annexure P-2) whereby non-bailable warrants of arrest has been issued against the petitioner and also for quashing of impugned order dated 14.09.2022 (Annexure P-3) whereby proclamation has been issued against the petitioner.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was granted concession of regular bail by District and Sessions Judge, Amritsar. In the FIR, there is allegation of possession of 20 bottles of illicit liquor. The petitioner is working as labourer in a brick kiln. The petitioner is staying with his two minor children and a matrimonial dispute with wife is going on. If the petitioner is put behind the bars, there would be no one to look after the minor children of the petitioner. The petitioner could not appear before the trial Court on account of lack of non-receipt of summons as petitioner is working and staying in a brick kiln, which is located at the outskirts of the city. The petitioner is not involved in any other offence. The petitioner is ready to face the trial and undertakes to appear on each and every date before

the trial Court. 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.

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 was granted concession of regular bail by District and Sessions Judge, Amritsar;
- (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 and in the present case, there is allegation of possession of 20 bottles of liquor ;
- (v) The petitioner is staying with his two minor children and a matrimonial dispute with wife is going on and if the petitioner is put behind the bars, the minor children may suffer irreparable loss.
- (vi) Trial is pending since 2017 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 10.01.2022 and on his doing so, the trial court shall release him on bail on his furnishing bail bonds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

09.12.2022

Mohit Kumar

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