

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

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**CRM-M-58294-2022 (O&M)
Date of Decision: 14.12.2022**

Deepak Kumar Bansal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Piyush Bansal, 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 impugned order dated 06.09.2022 (Annexure P-16), whereby CJM, Ludhiana has declared the petitioner as proclaimed person in Criminal Complaint No.COMA-12527/2018 dated 12.09.2018 filed under Sections 3K(1), 17, 18, 29 and 33 of Insecticide Act, 1968 read with Rule 27(5) of Insecticide Rules, 1971.

Learned counsel for the petitioner, *inter alia*, submits that alleged offence being bailable, the petitioner vide order dated 26.02.2019 (Annexure P-1) on appearance before trial court was released on bail. The petitioner after February' 2019 continuously appeared before trial Court, however, failed to appear during COVID-19 and notice for appearance was issued on 17.02.2021. Non-bailable warrants were issued which culminated into issue of proclamation. The petitioner vide order dated 06.09.2022 has been declared proclaimed person. The petitioner is involved in commission of bailable offence, thus, there was no reason to avoid the appearance. The petitioner is not involved in any other criminal case. The trial court

has declared the petitioner proclaimed person without following the procedure prescribed under Section 82 Cr.P.C. The absence of the petitioner was neither intentional nor willful. The petitioner is ready to face the trial and undertakes to appear on each and every date before the trial Court. The petitioner is ready to pay costs of Rs.25,000/-. 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 vide order dated 26.02.2019 (Annexure P-1) on appearance before trial court was released on bail;
- (iii) The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.25,000/-;
- (iv) The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (v) The petitioner is not involved in any other criminal case;
- (vi) The petitioner is accused of commission of bailable offence;
- (vii) The petitioner is resident of Ahmedgarh and trial is pending at Ludhiana, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;
- (viii) Trial is pending since 2018 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 03.01.2023 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.25,000/- to the Director, PGI Poor Patients Welfare Fund, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

14.12.2022
Mohit Kumar

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