

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

CRM-M-59744-2022

Date of Decision:21.12.2022

KAMALDEEP SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition, the petitioner is seeking one opportunity to appear before Trial Court and release on bail in FIR No.180 dated 26.08.2006, registered at Police Station Phillaur, District Jalandhar, under Sections 379 and 411 of Indian Penal Code, 1860.

Learned counsel for the petitioner *inter alia* contends that petitioner was arrested on 26.08.2006 and thereafter released on bail. Challan was presented on 04.06.2007 and thereafter charges were framed on 20.08.2007 under Section 411 of IPC. The charge was not framed under Section 379 of IPC. The petitioner got visa of Italy which was valid from 14.04.2008 to 08.01.2009. The petitioner left India on 13.05.2008 to join job in Italy. The Trial Court vide order dated 04.02.2008 cancelled the bail bonds of the petitioner and summoned through non-bailable warrants. The petitioner was ultimately declared Proclaimed Offender on 01.10.2009. The petitioner has come back to India on 26.02.2021. The proclamation order was passed in the absence of the petitioner and he was never served with copy of notice as required under Section 82 of

Cr.P.C. The petitioner is ready to face the trial. The petitioner is not involved in any other case. The petitioner is ready to pay costs of Rs.50,000/- for his lapse.

Notice of motion returnable for 03.02.2023.

On the asking of the Court Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the respondent-State and does not dispute the afore-stated facts and concedes that petitioner was declared PO in 2009 and was never arrested.

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. 50,000/-
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The petitioner is resident of District SBS Nagar and trial is pending at Jalandhar, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- v) The petitioner was initially granted regular bail;
- vi) Trial is pending since 2006 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or

complainant;

vii) The petitioner was declared PO in 2009 and there is nothing on record to indicate that police had attempted to arrest. It is petitioner who had returned to India and is ready to face the trial;

viii) The presence of petitioner would serve ends of justice and trial would come to some logical conclusion;

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 04.01.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs. 50,000/- to be paid to the PGI Poor Patient Welfare Fund, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

21.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>