

CRM-M-7907 of 2020

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

CRM-M-7907 of 2020
Reserved on: 18.01.2023
Date of Pronouncement: 24.01.2023

Harcharan Singh @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -Mr. Munish Puri, Advocate, for the petitioner.
Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J.

In compliance of order dated 24.02.2020, status report by way of affidavit of Sumeer Singh, Deputy Superintendent of Police, Sub Division Rural, District Pathankot, has been filed on behalf of respondent-State, which is taken on record.

This petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 23.04.2019 (Annexure P-4) whereby petitioner has been declared as proclaimed offender in case FIR No.27 dated 19.05.2017 under Sections 353/186/294/149 IPC, registered at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner contended that petitioner was granted bail in the aforesaid FIR and he was regularly appearing before the Court. He further submitted that prior to registration of the present FIR, petitioner was doing labour work in a

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company at Singapore. In the year 2019, petitioner received an ultimatum from the said company either to join the job within stipulated period or his contract will be terminated. Petitioner being the sole earning member of the family had no option but to join the company at Singapore and in his absence, impugned order was passed. He further submitted that out of total 15 accused persons, 14 have been acquitted by the trial Court vide judgment dated 04.09.2019 (Annexure P-3). Learned counsel further submitted that petitioner had no intention to evade the process of law, however, to save his livelihood he left the country. He further submitted that judgment of acquittal dated 04.09.2019 also establishes the innocence of the petitioner and no useful purpose would be served by sending him behind the bars. Learned counsel further submitted that if one opportunity is granted to the petitioner, he wishes to join the proceedings till its end.

Per contra, learned State counsel has opposed the prayer for quashing of impugned order by submitting that petitioner does not deserve any leniency because he has kept himself away from the Court proceedings for a long time.

Undoubtedly, petitioner does not deserve any leniency but same would not serve purpose of either side. Paramount consideration of the Court is to secure the presence of the accused and to complete the proceedings at the earliest. Therefore, it would be appropriate if one chance is given to the petitioner to appear before the Court concerned and join Court proceedings for final conclusion of the matter, at the earliest.

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In view of the above, it is ordered that in case, the petitioner appears before the trial Court/Area Magistrate within a period of one month from today, he would be released on bail subject to furnishing his bail bonds/surety bonds to the satisfaction of the Court concerned and subject to payment of costs of Rs.50,000/- to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Fund within three weeks from the date of passing of this order.

Needless to mention here that once the petitioner complies with the conditions detailed hereinabove, impugned order dated 23.04.2019 (Annexure P-4) would become inoperative.

Disposed of in above terms.

24.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No