

225 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-16048-2015

Date of Decision:13.01.2023

AMRITPAL SINGH

..... Petitioner

*Versus*

STATE OF PUNJAB

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. G.S. Dhillon, Advocate for  
Mr. Amandeep Sibia, Advocate for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

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**JAGMOHAN BANSAL, J. (Oral)**

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of impugned order dated 16.08.2014 (Annexure P-3) in FIR No.79 dated 03.05.2014 (Annexure P-1) under Sections 376, 306, 420, 34, 384 and 120B of IPC registered at Police Station Division No.1, Jalandhar, whereby the petitioner has been declared proclaimed offender.

Learned counsel for the petitioners *inter alia* submits that police after completing investigation has found petitioner innocent and for the said purpose a supplementary challan was filed. The petitioner stands exonerated from the main crime, thus, it would be travesty of justice, if petitioner is put behind the bars. The petitioner is not involved in any other case. He further undertakes to pay the costs of Rs.10,000/-.

Mr. Digvijay Nagpal, AAG, Punjab does not dispute the factual position 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;
- 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 prosecution has already declared petitioner innocent in the main crime, thus, no case is pending against him;
- iv)    The petitioner is not involved in any other offence;

this court is of the considered opinion that present petition needs to be allowed and accordingly allowed. The petitioner, as agreed, shall pay costs of Rs.10,000/- to the Punjab and Haryana High Court Bar Association Lawyers' Family Welfare Fund.

Disposed of in above terms.

( JAGMOHAN BANSAL )  
JUDGE

13.01.2023  
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|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |