

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

140

CRM-M-16012-2023

Date of Decision : 29.03.2023

Parminder Singh @ Bawa

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Harjinder Singh, Advocate for
Mr.A.S.Khinda, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 01.03.2016 (Annexure P-2) whereby Judicial Magistrate Ist Class, Kapurthala has declared him a proclaimed offender in FIR No. 78 dated 09.09.2015, under Sections 354 and 506 IPC (Sections 376 and 511 of IPC added subsequently), registered at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner *inter alia* contends that the petitioner left country prior to registration of FIR, thus, he was unaware of registration of FIR against him. The complainant has compromised the dispute with the petitioner. The petitioner is not involved in any other offence. He undertakes to appear before trial Court and face the trial. He is ready to pay costs of Rs.25,000/-.

Mr. Amish Sharma, Asstt. A.G., Punjab, who is present in Court on behalf of respondent-State, fairly does not dispute the fact, however, prays for imposition of costs.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in mind:

1. 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;
2. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 25,000/-;
3. The Petitioner is not involved in any other offence;
4. Trial is pending since 2015 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
5. The matter stands settled with complainant;

this court is of the considered opinion that present petition needs to be allowed and accordingly allowed. Order dated 01.03.2016

(Annexure P-2) is set aside and petitioner is directed to appear before trial

Court on or before 04.05.2023 and on his doing so, trial Court would release him on bail subject to furnishing of bail bonds and payment of costs of Rs.25,000/-, as agreed, to be deposited with the PGI, Poor Patient Welfare Fund, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

29.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>