

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

142

CRM-M-16056-2023

Date of Decision : 29.03.2023

Satwinder Singh @ Satwinder Singh Bal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.J.S.Ghuman, 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 28.05.2013 (Annexure P-2) whereby Sub Divisional Judicial Magistrate, Phillaur has declared him a proclaimed person in FIR No. 207 dated 29.12.2011, under Section 498-A IPC (Section 406 of IPC added subsequently), registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner *inter alia* contends that the petitioner was granted concession of bail by trial Court, however, it was cancelled on 09.10.2012. On account of job opportunity, he left for Cyprus, and thereafter, he came to be declared proclaimed person vide order dated 28.05.2013. The trial continued against family members of the petitioner. All the family members stand acquitted vide order dated 13.12.2017 passed by Sub Divisional Judicial Magistrate, Phillaur. The Court has found all the accused innocent. The petitioner is not involved in any other offence.

He is ready to appear before trial Court. He is ready to face the trial and pay costs of Rs.35,000/-.

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. 35,000/-;
3. The Petitioner is not involved in any other offence;
4. Trial qua petitioner is pending since 2013 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
5. Proceedings qua co-accused(s) stands dropped;

this court is of the considered opinion that present petition

needs to be allowed, and accordingly allowed. Order dated 28.05.2013 (Annexure P-2) is set aside and petitioner is directed to appear before trial Court on or before 24.04.2023 and on his doing so, trial Court would release him on bail subject to furnishing of bail bonds and payment of costs of Rs.35,000/-, 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>