

CRM-M-17946-2022

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

CRM-M-17946-2022

Date of decision: 17.07.2023

Inderpal Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. A. G. Punjab.

Mr. Gurbhej Singh, Advocate,
for the complainant-respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 23.09.2019 (Anneuxre P-2) and order dated 15.02.2020 (Annexure P-3), declaring the petitioner a proclaimed person, in case bearing FIR No. 275 dated 02.11.2018, registered under Sections 420, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Civil Lines Patiala, District Patiala.

Learned counsel for the petitioner submits that the FIR was registered on 02.11.2018, when the petitioner was not in India; that the petitioner had been residing in Georgia since 11.10.2016; that the petitioner came to India on 13.08.2019 and left for Georgia on 01.09.2019 and thereafter, he again came to India on 15.10.2020, but the proclamation notice was issued on 23.09.2019 against him showing resident of H. No.

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23, Street No. 4, Air Avenue, Kheri Gujran, Patiala, whereas as per passport, his address is Village Sular, Tehsil and District Patiala; that the petitioner was declared a proclaimed person on 15.02.2020, when he was not in India; and that to show his bona fide, the petitioner has already deposited Rs. 1,75,000/- with the Registry of this Court, in compliance of the order dated 13.05.2021 passed by this Court in CRM-M-18313-2021.

Learned State counsel, on instructions from ASI Gurpiar Singh, submits that the petitioner is regularly appearing before the trial Court.

I have heard the learned counsel for the parties.

To show his bona fide, the petitioner has already deposited Rs. 1,75,000/- with the Registry of this Court, in compliance of the order dated 13.05.2021 passed by this Court in CRM-M-18313-2021. Vide order dated 24.05.2022 passed by this Court, operation of the impugned order dated 15.02.2020 had been stayed.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments. If an accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

As stated, the petitioner is regularly appearing before the trial Court. Vide order dated 03.04.2023 passed by learned Judicial Magistrate Ist Class, Patiala, the petitioner had been exempted from personal appearance. No useful purpose would be served by sending him to custody.

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In view of the above, the present petition is disposed of with a direction to the petitioner to face the trial in accordance with law. He is further directed to furnish the fresh bail/surety bonds within one month from today. On doing so, he shall be admitted to bail, subject to the satisfaction of the trial Court/Duty Magistrate.

It is made clear that out of Rs.1,75,000/- deposited by the petitioner, an amount of Rs.1 lakh shall be released by the Registry in favour of the Punjab and Haryana High Court Advocates Welfare Fund, and remaining amount i.e. Rs.75,000/- in favour of the complainant against proper receipt and identification.

17.07.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No