

**CRM-M-25687-2023**

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

**CRM-M-25687-2023**

**Date of decision:27.07.2023**

Kamaljit Singh @ Kamaljeet Singh

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Amandeep Saini, Advocate,  
for the petitioner.

**HARNARESH SINGH GILL, J. (ORAL)**

Challenge in the present petition is to the order dated 11.09.2018 (Annexure P-6) passed by learned Sub Divisional Judicial Magistrate, Balachaur, vide which the petitioner has been declared a proclaimed offender in case bearing FIR No.182 dated 15.12.2017, registered at Police Station Balachaur, District SBS Nagar, under Sections 406 and 420 IPC.

Learned counsel for the petitioner contends that when the above-noted FIR was registered, the petitioner was abroad and he had no knowledge qua the registration of the present FIR and that proclamation proceedings initiated against the petitioner are not in accordance with the provisions of Section 82 Cr.P.C. It is further submitted that the matter has been compromised between the parties and a petition seeking quashing of FIR is still pending adjudication before this Court. It is further submitted that the petitioner is ready to surrender before the concerned Court and to

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face the trial.

Notice of motion.

On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and submits that the petitioner had been absconding from the Court of law and thus, he does not deserve any concession, at this belated stage.

I have heard the learned counsel for the parties.

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 as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

When the above-noted FIR was registered, the petitioner was not in India. As stated above, the matter has been compromised between the parties. The petitioner is ready to face the trial. In such circumstances, this Court finds that no useful purpose would be served by sending the petitioner to custody.

Keeping in view the above facts, but without expressing any opinion on the merits of the case, the impugned order dated 11.09.2018 (Annexure P-6), along with all the consequential proceedings arising therefrom, is hereby set aside, subject to depositing the costs of Rs.20,000/- by the petitioner with the District Legal Services Authority, SBS, Nagar. The petitioner is directed to surrender before the trial Court/Duty Magistrate, within 10 days from today and on doing so, he shall be released

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on bail, subject to him furnishing fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

**27.07.2023**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |