

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-27465 of 2022

Date of Decision: 01.03.2023

Anmol Singh

---Petitioner

versus

State of Punjab and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 16.05.2022 (Annexure P-5) vide which the petitioner has been declared proclaimed person by Chief Judicial Magistrate, Amritsar in FIR No. 37 dated 27.01.2020, under Sections 363 and 366-A IPC, registered at Police Station Civil Lines Amritsar, District Amritsar.

Learned counsel for the petitioner inter alia contends that petitioner solemnized marriage with prosecutrix on 20.01.2020. The petitioner and prosecutrix filed CRWP No. 862 of 2020 before this Court seeking protection of lives and liberty. This Court vide order dated 27.01.2020 disposed of the petition. The petitioner was arrested on 10.05.2020 and thereafter was released on regular bail vide order

dated 02.06.2020 passed by Additional Sessions Judge, Amritsar (Annexure P-2). The petitioner on account of being drugs addict could not appear before the trial court which initiated proceedings under Section 82 Cr.P.C. and thereafter vide impugned order declared him proclaimed person. The petitioner is not involved in any other offence. He is ready to face trial without any default.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent and does not dispute the factual position.

I have heard counsel for the parties and perused the records.

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. 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;

- (ii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (iii) The Petitioner is not involved in any other offence and he has already remained in custody for one month;
- (iv) The petitioner is resident of Amritsar and trial is pending at Amritsar, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- (v) Trial is pending since 2020 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Order dated 16.05.2022 (Annexure P-5) is set aside and the petitioner is directed to appear before Trial Court on or before 10.3.2023. On the petitioner putting in appearance before the trial court, the trial court shall release him on bail on his furnishing bail bonds to its satisfaction. .

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

01.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No