

CRM-M-33304-2023

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2023:PHHC:088141

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33304-2023

Date of decision:14.07.2023

Keshav Dhingra @ Kushal Dhingra

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pardhuman Garg, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 Cr.PC, petitioner has approached this Court for quashing of the order dated 17.03.2023 (Annexure P-8) passed by the Judicial Magistrate Ist Class.

2. Counsel for the petitioner submits that petitioner was granted concession of bail by the trial Court in FIR No.250 dated 29.06.2018 lodged for offence under Immoral Traffic Act, at Police Station Zirakpur, Mohali, but due to arm fracture, he could not appear, his bail bonds were cancelled and non-bailable warrants were issued. By impugned order, petitioner has been declared as a proclaimed offender and he is prepared to appear before the trial Court, join the proceedings as well as deposit costs of Rs.25,000/- as directed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. A.P.S.Tung, DAG, Punjab accepts

notice on behalf of respondent-State. Upon instructions from ASI Rajesh Chauhan, State counsel submits that at an earlier stage petitioner was declared proclaimed offender vide order dated 24.10.2019 and was re-arrested on 12.06.2021. He has opposed the petition by submitting that allegations against the petitioner are serious and grave.

5. Having heard counsel for the parties, this Court is of the view that as the reason for non-appearance given by the petitioner seems to be plausible. Medical record, Annexure P-3 and P-4, does show that the petitioner had suffered a fracture. In any case, objective of Section 82 of Cr.P.C. is to secure the presence of the accused. Petitioner is willing to surrender before the Trial Court and join the proceedings. Therefore, he deserves to be given yet another opportunity.

6. In view of the above, impugned order dated 17.03.2023 (Annexure P-8) is set aside subject to the condition that petitioner surrenders before the trial Court within a fortnight from today and joins the proceedings. He shall also deposit the costs of Rs.25,000/- with the Poor Patient Welfare Fund (PGIMER), Chandigarh and furnish a receipt of deposit before the trial Court. In case petitioner fails to fulfill any of the two conditions, this petition shall be deemed to have been dismissed.

7. Petition is disposed of.

July 14, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No

