

2023:PHHC:094016
114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 35345-2023
Date of Decision 25.07.2023

Gurjant Singh*Petitioner*

versus

State of Punjab and another ...*Respondents*

Coram Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, praying for setting aside the order dated 21.12.2022 (Annexure P-4) passed by the Chief Judicial Magistrate, Tarn Taran, vide which the petitioner has been declared as proclaimed person in case FIR No. 226 dated 03.06.2020 registered under Sections 326, 324 and 323 of the Indian Penal Code at Police Station Goindwal Sahib, District Tarn Taran (Annexure P1) and all subsequent proceedings arising therefrom.

2. It is submitted by counsel for the petitioner that though the case was registered against the petitioner, however, the same was amicably settled between the parties, vide compromise deed dated 05.06.2003 (Annexure P-2). A petition qua quashing of the aforesaid FIR has already been moved by the petitioner before this Court, in which, the parties have

been directed to appear before the trial Court on 01.08.2023 to get their statements recorded. It is further submitted by counsel for the petitioner that when the petitioner contacted his counsel at trial Court for getting his statement recorded, he came to know that he has already been declared as proclaimed person vide order dated 21.12.2022 (Annexure P-4). The absence of the petitioner from the Court proceedings was not deliberated or intentional. In any case, the petitioner undertakes not to absent from the Court proceedings any further.

3. Notice of motion.

4. Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent State. Ms Gurpreet Kaur, Advocate appears and filed her power of attorney on behalf of the complainant.

5. Counsel for the State submits that the State has no objection if the petitioner appears before the trial Court.

6. Counsel for the complainant has not disputed the fact that the matter has been amicably settled between the parties.

7. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain present before the Court to receive the orders and punishments 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 arrest.

8. In view of the above, the present petition is allowed subject to the petitioner appearing before the Trial Court on or before 31.07.2023. It

is further directed that in case the petitioner so appears before the trial Court on or before 31.07.2023, the the petitioner shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/CJM/Duty Magistrate.

(Rajbir Sehrawat)
Judge

July 25, 2023
mohan bimbura

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No