

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

130

CRM-M-41396-2022

Date of Decision: 19.01.2023

Sawinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.B.B.S.Randhawa, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 11.05.2011 (Annexure P-2) whereby the petitioner has been declared a proclaimed offender in FIR No. 74 dated 02.07.2010 under Sections 498-A, 406 IPC, registered at Police Station, Dasuya, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was declared proclaimed offender on 11.05.2011 and before the said date, the petitioner has already left India. Thus, the petitioner was never served with summons/warrants. The petitioner has compromised the main matter with his wife and he is not involved in any other offence. He is ready to face the trial and pay costs of Rs.25,000/-.

Notice of Motion.

On the asking of the Court, Mr. Amish Sharma, Asstt. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the fact, however, prays for imposition of

costs. He further pointed out that co-accused stand acquitted.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in mind:

1. 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;
2. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 25,000/-;
3. The Petitioner is not involved in any other offence;
4. Trial is pending since 2010 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
5. Matter stands settled and co-accused stands acquitted;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Order dated 11.05.2011 (Annexure P-2) is set aside and petitioner is directed to appear before trial Court on or before 15.02.2023 and on his doing so, trial Court would release him on bail subject to furnishing of bail bonds and payment of costs

of Rs. 25,000/-, as agreed, to be deposited with the Punjab and Haryana High Court Bar Association Lawyers Family Welfare Funds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

19.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>