

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-871 of 2023

Date of Decision: 10.1.2023

Gurdarshan Singh

---Petitioner

versus

State of Punjab and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. J.S.Thakur, 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 19.11.2022 (Annexure P-7) passed by Additional District and Sessions Judge VI, Jalandhar, whereby the revision filed by the petitioner has been dismissed and order dated 23.1.2015 (Annexure P-2) passed by JMIC, Jalandhar whereby the petitioner has been declared a proclaimed person in FIR No. 10 dated 28.1.2014 under Sections 406, 498-A IPC, registered at Police Station, Bhogpur, Jalandhar Rural.

Learned counsel for the petitioner inter alia contends that petitioner at the time of passing of impugned order was out of country and the fact of passing of impugned order did not come in his knowledge. The petitioner was never served with summons/warrants. There were four accused. The mother and sister of the petitioner have already been exonerated and the fourth accused i.e. father of the petitioner has passed away.

The petitioner is not involved in any other offence. Ex parte decree of divorce has already been passed. The petitioner is ready to pay costs of Rs. 35,000/-.

Notice of Motion.

Mr. Amish Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts.

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. 35,000/-;
3. The Petitioner is not involved in any other offence;
4. Trial is pending since 2014 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

5. Co-accused i.e. mother and sister of petitioner have already been exonerated and fourth accused i.e. father of the petitioner has passed away;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Order dated dated 19.11.2022 (Annexure P-7) passed by Additional District and Sessions Judge VI, Jalandhar and order dated 23.1.2015 (Annexure P-2) passed by JMIC, Jalandhar are set aside, subject to payment of costs of Rs. 35,000/-, as agreed, to be deposited with the PGI, Poor Patient Welfare Fund, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

10.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No