

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31344-2024 (O&M)
Date of order: 21.08.2024

Onkar Singh
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.
Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
111	26.6.2019	Majitha, Amritsar	302/148/149 IPC

1. Challenging the order dated 25.03.2021 passed by JMIC Ist Class, Amritsar declaring the petitioner-accused as a proclaimed offender, he has come up before this court under Section 482 of Code of Criminal Procedure, 1973 (CrPC) for its quashing.
2. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s control. He further submits that the petitioner undertakes to appear on each and every date of hearing before the trial Court.
3. Notice served upon the official respondent through State counsel, who seeks time to have instructions. The nature of order this court proposes to pass, no response is required from the State.
4. Counsel appearing for the State and the private respondents have strenuously opposed this petition, including the limited relief as confined by the petitioner.



5. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender. The reasons for not appearing before the Court are mentioned in the paragraphs 4 to 7 of the petition, in which the petitioner explains that at no point of time, the petitioner had any knowledge of the proceedings captioned above or service was effected upon him. He was never arrested in the matter. Moreover, the summons, bailable warrants issued against him were never executed against him but he was declared as proclaimed offender.

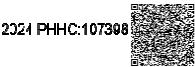
6. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bona fide at this stage. Furthermore, without adjudicating the maintainability of this petition under section 482 CrPC and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 482 CrPC, this Court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

7. The petitioner is directed to surrender before the concerned court **on or before 31.08.2024 by 11-00 AM and avail legal remedy available to them. Till 31.08.2024 by 11-00 AM all warrants, if any issued pursuant to impugned order, shall remain stayed and this order shall eclipse automatically on 31.08.2024 at 11 AM.**

8. It is clarified that till the time the petitioner(s) appears before the concerned court, he shall not visit any other place except the home, and in case he wants to stay in another place, he shall intimate the address of such place to the concerned SHO by e-mail, by attaching the copy of this order.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*



Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

August 21, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No