

2024:PHHC:098075



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.127

CRM-M-36757-2024(O&M)
Date of decision : 01.08.2024

Makhan Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S. Thakur, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing the impugned order dated 31.01.2023 (Annexure P2) vide which the petitioner has been declared as proclaimed person in FIR No.135 dated 10.08.2019, under Sections 420 and 406 IPC, registered at police Station Adampur.

2. Learned counsel for the petitioner submits that the petitioner has been wrongly declared as a proclaimed person and the ingredients contained in the provisions of the Act have not been satisfied. He further submits that the petitioner is ready to face the trial and there is no intention on his part to abscond the proceedings.

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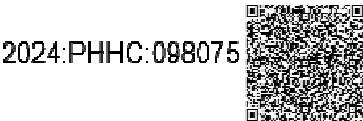
3. Notice of motion.

4. At asking of the Court, Mr. Vinay Kumar, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Monty Goyal, Advocate, puts in appearance on behalf of respondent No.2 and filed his vakalatnama in Court. The same is taken on record. He also admits the factum of compromise between the parties.

5. Heard.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. In such a situation, where, the accused shows his sincere intention and desire to appear before the Court, more-so, when the matter has been amicably settled between the parties, then it would not be unjustified to protect him from being arrested.

7. In view of the above, the present petition is allowed and order dated 31.01.2023 (Annexure P2) is hereby set aside/quashed subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court on the next date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner till the next date fixed. In case, the petitioner failed to appear



before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

01.08.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No