



CRM-M-37102-2024(O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.123

CRM-M-37102-2024(O&M)
Date of decision : 02.08.2024

Navdeep Singh @ Navi Mahajan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yugank Goyal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 19.04.2023 (Annexure P-3), whereby proclamation under Section 82 of Cr.P.C. has been ordered to be issued against the petitioner; proclamation under Section 82 of the Cr.P.C. dated 20.04.2023 (Annexure P-4); order dated 26.04.2023 (wrongly recorded as 19.04.2023), whereby proclamation dated 20.04.2023 has wrongly been held to have been served upon the petitioner (Annexure P-6), order dated 29.05.2023, whereby the petitioner has been declared as a proclaimed person (Annexure P-8) and all other subsequent proceedings in CIS No.CHI/124/2020, in FIR No.57, dated 10.06.2020 registered at Police Station Bagha Purana, District Moga, Punjab, under Sections 383, 336, 511 and 506 of Indian Penal Code, 1860 and Sections 27, 25, 54 and 59 of Arms Act (Annexure P-1).



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.

3. Notice of motion.

4. At asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab.

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 29.05.2023 (Annexure P-8) 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

bonds to its satisfaction. No coercive action would be taken against the petitioner till the next date fixed before the learned Trial Court. In case, the petitioner failed to appear before the trial Court on the next date fixed or fails 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

02.08.2024
Kapil

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