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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-47343-2024 (O&M)  
Date of decision: 23.09.2024

Ranjeet Kumar @ Ranjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

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HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of the order dated 01.12.2023 (Annexure P-3) passed by learned Additional Sessions Judge, SBS Nagar, in FIR No.63 dated 23.04.2022 under Sections 363 & 366 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 323, 376, 212, 120-B of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), vide which bail of the petitioner was cancelled and his bail/surety bonds were cancelled and forfeited to the

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State and he was summoned through non-bailable warrants and the order 12.02.2024 (Annexure P-8), vide which the petitioner was declared as proclaimed offender as well as all consequential proceedings emanating therefrom.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR (*supra*) and he is maternal uncle of the main accused namely Anil Bangar and on asking of the petitioner, his friend namely Gurpreet Singh @ Ricky allowed Anil Bangar to stay in his house. It is further contended that the petitioner was granted the concession of bail by learned Additional Sessions Judge/Special Court, SBS Nagar vide order dated 30.08.2022 (Annexure P-2) and thereafter, he was regularly appearing before learned trial Court upto 17.11.2023, but due to non-intimation about the next date by his counsel, he could not appear before learned trial Court on the next date i.e. 01.12.2023 and on that date, learned trial Court cancelled his bail and his bail/surety bonds were forfeited to the State and issued non-bailable warrants against him. Thereafter, the petitioner changed his counsel, who advised him to get set aside the orders dated 01.12.2023, 15.12.2023 & 03.01.2024 and also the order dated 12.02.2024 (Annexure P-8), vide which learned trial Court declared the petitioner as proclaimed offender. As such, the petitioner has approached this Court by way of instant petition.

3. Learned counsel for the petitioner submits that the impugned



orders are liable to be set aside on the ground that the mandate of Section 82 Cr.P.C. has not been followed in its letter and spirit by the learned trial Court. In support of his arguments, learned counsel for the petitioner relies upon the judgment passed by this Court in ***Sonu Vs. State of Haryana, 2021 (1) RCR (Cri.) 319*** and the judgment passed by the Gujarat High Court in ***Govindbhai Patel Vs. State of Gujarat, 2004 (4) RCR (Criminal) 830***.

4. Learned counsel for the petitioner submits that the non-appearance of the petitioner was not deliberate and intentional and thus, aggrieved by the said orders, he has approached this Court by way of instant petition. It is contended that the impugned orders are liable to be set aside on the ground of unintentional non-appearance of the petitioner, as stated above.

5. It is also submitted that the petitioner undertakes to appear before learned trial Court on each and every date.

6. Notice of motion.

7. Mr. Subhash Godara, Addl. AG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the impugned orders have been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail.

8. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.



9. A perusal of the order dated 12.02.2024 (Annexure P-8) reflects that learned trial Court declared the petitioner as proclaimed offender. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the trial Court is justified and, therefore, the same is accepted.

10. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

11. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

12. In view of the aforesaid facts and circumstances and also the fact that the petitioner is not the main accused and he has been involved in the present FIR case by virtue of Section 120-B of IPC and he was granted



bail by learned Additional Sessions Judge, SBS Nagar vide order dated 30.08.2022 (Annexure P-2), the present petition is allowed. The impugned orders dated 01.12.2023 (Annexure P-3), vide which bail of the petitioner was cancelled and his bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants and the impugned order dated 12.02.2024 (Annexure P-8), vide which the petitioner was declared as proclaimed offender, are hereby set aside.

13. The petitioner is directed to appear before learned trial Court within a period of four weeks from today and on his doing so, he shall be admitted to bail on his furnishing same bail/surety bonds to the satisfaction of learned trial Court, along with costs of Rs.10,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, for wasting precious time of the Court.

14. The receipt of payment of costs imposed upon the petitioner must be presented before learned trial Court. Learned Court below is directed to grant bail to the petitioner only upon verification of the payment of said costs.

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

23.09.2024  
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No