



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.263

CRM-M-54306-2023

Date of decision : 19.12.2024

HARPREET SINGH @ SABI

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Raj Kumar Arya, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 of Cr.P.C. for quashing the impugned order dated 28.09.2021 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Gurdaspur whereby the petitioner has been declared proclaimed offender in FIR No.37 dated 13.05.2020 under Sections 323, 325 and 34 IPC registered at Police Station Tibber, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner and three other persons are the accused in the afore-stated FIR. The final report was presented without any intimation to the petitioner and petitioner was never served in this case. One co-accused namely Bhupinder Singh died during the pendency of the trial and proceedings were abated qua him vide order dated 07.12.2021. Co-accused Karamjit Singh and Mandeep Singh have already compounded the matter vide order dated 07.05.2022. The mandatory provisions of Section 82 Cr.P.C. were not complied with and the



petitioner is ready to appear before the learned trial Court and abide by all the terms and conditions as may be imposed upon them by the learned trial Court.

3. Learned State counsel opposes the prayer made in the petition and has argued that the learned trial Court had rightly declared the petitioner as proclaimed offender.

4. Heard.

5. 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. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the co-accused have already compounded the offence and stand acquitted vide order dated 07.05.2022. The petitioner is ready to appear before the learned trial Court and face the trial.

7. In view of the above, the present petition is allowed. Order dated 28.09.2021 (Annexure P-3) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within two weeks from today.** The petitioner after depositing the cost as stated above would appear before the trial Court within two weeks and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on same bail bonds/surety bonds. No coercive action would be



taken against the petitioner till then. In case, the petitioner fails to appear before the learned trial Court on said date or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

19.12.2024
Kavita

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