



232(3) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-54758-2018 (O&M)

Date of Decision: 09.09.2024

AVTAR SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. B.D. Sharma, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

Prayer in the present petition filed under Section 482 of Cr.P.C. is for setting aside the order dated 26.09.2018 (Annexure P-6) passed by learned Additional Sessions Judge, Amritsar in case/FIR No. 146 dated 28.06.2007 registered under Sections 406, 498-A of Indian Penal Code at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner as well as for respondent No. 2 submits that private parties have resolved their dispute amicably and effected a compromise and the FIR(supra) has already been quashed by this Court on the basis of compromise vide order dated 09.09.2024 (i.e. of even date) passed in CRM-M-8758-2024. Thus they jointly submit that impugned order may kindly be quashed as the order vide which the petitioner has been declared as proclaimed offender has already been set aside by this Court vide order dated 08.07.2020 passed in CRM-M-22965-2018. Learned trial Court vide order dated 16.08.2018 has released the properties owned by the petitioner, which

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petitioner has appeared before the trial Court pursuant to the order passed by this Court on 28.05.2018. In view of the provisions contained in Section 85 of Cr.P.C., the attachment order was vacated and properties, so attached under Section 83 of Cr.P.C. were ordered to be released and delivered to the petitioner. Thereafter, respondent No. 2 filed a revision petition before learned Additional Sessions Judge, Amritsar and learned Revisional Court has set aside the order passed by learned trial Court releasing the properties.

I have heard the learned counsel for the parties and gone through the case file with their able assistance.

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.

Learned counsel for the parties fairly submit that private parties have settled their dispute amicable and got the FIR(supra) quashed. The order of attachment of the property under Section 83 of Cr.P.C. would not survive either, when the main case stands decided in terms of the compromise effected between the parties.

The object behind the provisions contained under Sections 82 and 83 of Cr.P.C. is to compel the accused to face the trial and in the present case, the petitioner has himself come forward and has joined the trial on 30.05.2018

(Annexure P-3). Learned counsel for respondent No. 2 has already submitted his No-Objection to setting aside of the impugned order.

In view of the order of even date passed in CRM-M-8758-2024, the present petition is allowed and impugned order passed dated 26.09.2018 (Annexure P-6) passed by learned Revisional Court is hereby set aside and order dated 16.08.2018 passed by the trial Court is upheld.

09.09.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No