

CRM-M-58065-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-58065-2024

Date of Decision : 21.11.2024

Rajveer Singh @ Rajbir Singh Dhillon

.....Petitioner

Versus

State of Punjab

.....Respondent

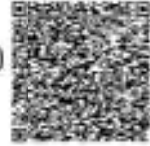
CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Mandeep Nagpal, Advocate
for the petitioner

Mr. Rubal Pawar, DAG Punjab

KIRTI SINGH, J.(Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for quashing of the impugned order dated 26.09.2024 in CHA-86-2022 before JMIC, Khanna arising out of FIR No. 214 dated 23.12.2020 under Sections 25, 54 and 59 of Arms Act at Police Station Sadar Khanna vide which he has been declared proclaimed person under Section 82 Cr.P.C. and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the petitioner was granted benefit of regular bail vide order dated 02.02.2021 passed by learned trial Court and thereafter he was regularly appearing before the learned trial Court. However, he failed to appear on 18.11.2023 before the learned trial Court and vide order dated 18.11.2023 (Annexure P-3) his bail was cancelled and non-bailable warrants were issued against the petitioner, which was received back unexecuted and the trial Court issued proclamation under Section 82 Cr.P.C. against the



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petitioner. Subsequently, vide order dated 26.09.2024 (Annexure P-7), the petitioner was declared proclaimed offender. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon them by the trial Court.

3. Notice of motion.

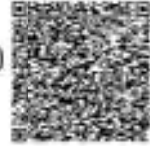
4. At the asking of Court, Mr. Rubal Pawar, AAG, Punjab, accepts notice on behalf of respondents-State.

5. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was granted regular bail by this Court, however, he failed to appear on one date of hearing i.e. 18.11.2023 and on account of the same, his bail was cancelled. The petitioner is ready to appear before the trial Court and face the trial.

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. 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.

7. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear due to involvement in another case where he was found innocent.

8. In view of the above, the present petition is allowed. Order dated 26.09.2024 (Annexure P-7) 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 a period of two weeks from today. The petitioner



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after depositing the cost as stated above would appear before the trial Court on or before the date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on same bail bonds/surety bonds. In the meanwhile, no coercive action would be taken against the petitioner. In case, the petitioner fails to appear before the trial Court within three weeks 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.

21.11.2024

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**(KIRTI SINGH)
JUDGE***Whether speaking/reasoned? Yes/No**Whether reportable? Yes/No*