

**115+ 263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-15749-2018 (O&M)
Date of decision:30.11.2018.**

Dr. Jayant Thorat

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jag Nahar Singh, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. Dilsher Singh Jandiala, Advocate
for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

CRM-31768-2018

Prayer in this application is for placing on record the reply on
behalf of respondent No.2.

Application is allowed, subject to all just exceptions. Reply filed
by respondent No.2 is taken on record.

CRM-M-15749-2018

Challenge in this petition is to the impugned order dated
27.04.2012 (Annexure P-2) passed by the Chief Judicial Magistrate, Jalandhar,
whereby the petitioner was declared proclaimed offender in FIR No. 42, dated
10.03.2005 under Sections 420, 406 of IPC, registered at Police Station
Division No.4, Jalandhar, District Jalandhar as well as subsequent proceedings
arising therefrom.

Counsel for the petitioner contends that the petitioner had gone
abroad even before he was declared proclaimed offender. Therefore, the
summons issued to the petitioner, as required under Section 82 of Cr.P.C. were
never served upon him. It is further contended that even the main complaint,

from which the criminal case has arisen, stands compromised between the parties and the petition for quashing of the FIR has already been filed before this Court. However, now the petitioner has come to know that the impugned order has been passed against him. However, the petitioner has no intention to flee from the course of justice. He intends to appear before the trial Court to face the further proceedings. The only prayer made is that the petitioner be protected from his arrest.

Notice of motion was already issued on 20.04.2018.

Mr. K.S.Aulakh, DAG, Punjab has put in appearance on behalf of the State and submits that he has no objection, if the petitioner appears before the trial Court to face the further proceedings.

Heard.

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.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 11.12.2018. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

30.11.2018

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No