

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.09.01 09:26
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CRM-M-37891-2018 (O&M)

Date of decision:30.08.2018

Jhankar Chand Thakur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.K.Arya, Advocate, for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in complaint case No.20 dated 15.06.2012/26.05.2015 registered under Sections 323, 341, 504, 506, 452, 175, 149 of IPC and Sections 3, 4 and 17 of SC & ST Act (Prevention of Atrocities Act) 1989 and proclaimed Offender order dated 19.01.2018 passed by the JMIC, Dashua.

Learned counsel for the petitioner contends that although the complaint contained offences under SC/ST Act as well, however, the summoning order has been issued only Sections 323, 452, 506, 149 IPC. It is further contended that otherwise also, the matter stands compromised between the parties. Even the petition for quashing of the FIR and subsequent proceedings have been filed before this Court, in which, this Court has issued a direction to record the statements of the parties qua the genuineness of the compromise. It is further contended that although the other accused have already been acquitted by the trial Court, however, the petitioner was declared proclaimed offender vide order dated 13.09.2017. Counsel for the petitioner further submits that earlier the petitioner was granted bail by the trial Court and he was regularly appearing. However,

after that, the petitioner had gone abroad for sometime. During that period, the order declaring the petitioner as proclaimed person was passed by the trial Court. It is contended that the absence of the petitioner from the Court was not intentional. The petitioner has no intention to flee from course of justice. He intends to appear before the trial Court. However, prayer is that the petitioner be protected from his arrest.

Notice of motion.

Mr. K.S.Aulakh, DAG, Punjab, accepts notice on behalf of the State and submits that he has no objection, if the petitioner appears before the trial Court for receiving further orders.

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 Court below on or before 10.09.2018. 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 bond/surety to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

30.08.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No