

Sr. No.137

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

**CRM-M-39132-2018
Date of decision:07.09.2018**

Sahil Gandotra

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing of Order dated 26.03.2014 passed by the Judicial Magistrate Ist Class, Amritsar, whereby the petitioner has been declared as proclaimed offender in case of FIR No. 249, dated 19.09.2012 under Section 61 of The Punjab Excise Act, 1914 registered at Police Station A Division, Amritsar, Distt. Amritsar City.

Learned counsel for the petitioner contends that the petitioner was released on bail by the Trial Court. Thereafter, the challan was presented against the petitioner in his absence. Therefore, the petitioner never came to know of any of the proceedings pending against him after filing of the challan. Still further it is contended that, unfortunately, the petitioner comes into the trap of drugs, therefore, his parents had to admit him to Drug De-addiction Centre. It is further contended that now the petitioner intends to appear before the Trial Court. He has no intention to flee from the course of justice. The prayer is only that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Hitten Nehra, Addl.AG, Punjab accepts notice on behalf of the State of Punjab and submits that he has no objection if the petitioner appears before the Trial Court.

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 20.09.2018. 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.

7th September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*