

Sr. No.126

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

**CRM-M-39496-2018
Date of decision:11.09.2018**

Sukhwinder Singh @ Sonu

Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rupinder Thind, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing of impugned Order dated 29.01.2011(Annexure P-3) passed by the Judicial Magistrate Ist Class, Dasuya, Hoshiarpur declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner contends that the petitioner has been wrongly declared as proclaimed offender in Criminal Complaint No.221/12.11.07 dated 12.11.2007(Annexure P-1). It is further contended by learned counsel for the petitioner that the petitioner was declared as proclaimed offender when he was abroad. He had never returned to India thereafter. However, when the petitioner came to know about the proceedings, parties have compromised the matter and a petition for quashing has been filed on the basis of compromise; by the co-accused of the present petitioner. Learned counsel further contends that since the petitioner has now come to know of the proceedings against him, therefore, he intends to appear before the Court. However, the petitioner apprehends his arrest. It is contended by counsel for the petitioner that the petitioner

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 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

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 03.10.2018. 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.

11th September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*