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Chandigarh

Sr. No.117

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41005-2018
Date of decision:18.09.2018

Balkar Singh **.....Petitioner**

versus

State of Haryana **.....Respondent**

Coram: **HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This is a petition seeking quashing of the Order dated 22.12.2017(Annexure P-6) passed by ASJ, Yamuna Nagar at Jagadhri vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner submits and it is also so pleaded in the petition; that at the first instance, the petitioner was granted bail by the Trial Court in this case. Thereafter, there were some negotiations with complainant for compromise. When the complainant assured of a compromise between the parties, then the petitioner left for abroad. He remained there for about six months. When he came back he came to know that his bail had been canceled vide Order dated 16.10.2017 and the petitioner had already been declared as proclaimed offender (proclaimed person) on 22.12.2017. It is further contended by counsel for the petitioner that he had no intention to flee from the course of justice. He intends to appear before the Trail Court now. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Vikas Malik, DAG, Haryana

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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 25.09.2018. 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.

18th September, 2018 **[RAJBIR SEHRAWAT]**
Shivani Kaushik **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*