

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41774-2017 (O&M)

Date of decision:30.11.2018.

Harvinder Singh @ Rinki

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Bikramjit Singh Bajwa, Advocate
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

CRM-37875-2017 & CRM-38624-2018

Prayer in these applications is for pre-ponement of the date of hearing in the main petition.

For the reasons stated in the applications, the same are allowed.

The main case is taken up on board today itself.

CRM-M-41774-2017 (O&M)

Prayer in this petition is for quashing of FIR No.90 dated 04.05.2007 under Section 420 of IPC registered at Police Station Beas, District Amritsar as well as the impugned order dated 21.02.2009 (Annexure P-4), vide which, the petitioner was declared as proclaimed offender by the trial Court.

However, at the time of argument on 07.11.2017, the petitioner had restricted this petition to the challenge to the order dated 21.02.2009, whereby, the petitioner was declared as proclaimed offender. Accordingly, the present petition is being considered only qua the challenge to the order

dated 07.11.2017.

It is contended by the counsel for the petitioner that the petitioner had gone to Canada in January 2007 itself. The summons were issued by the trial Court in the criminal case when the petitioner was not in India. He had never returned to India, in the meantime. However, when the mother of the petitioner had expired in the year 2017, he returned to India and he came to know that he has already been declared proclaimed offender in the case. But, now the petitioner is in India and since the petitioner has come to know of the proceedings against him, therefore, the petitioner intends to appear before the trial Court to face further proceedings; in accordance with law. The only prayer made is that the petitioner be protected from the arrest.

Notice of motion was issued on 07.11.2017.

Mr. K.S.Aulakh, DAG, Punjab appears on behalf of the respondent-State and he has no objection, if the petitioner appears before the trial Court and face the 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 07.12.2018. 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 bond/surety to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

30.11.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No