

S.No.127

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

CRM-M-44031 of 2018 (O&M)

Date of Decision:05.10.2018

Sandeep Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition challenging the order dated 06.12.2012 passed by the learned Additional Sessions Judge, Jalandhar in case FIR No.59 dated 17.03.2009 registered under Sections 307, 324, 323, 506, 148, 149 IPC at Police Station Nakodar whereby he was declared as proclaimed offender.

Counsel for the petitioner contends that the petitioner had faced the trial for about four years. Thereafter, the petitioner had to go abroad in connection with his employment. While abroad, the petitioner was informed by the co-accused that the case has been finished and all the accused have been acquitted. Therefore, the petitioner had not returned to India for the past about six years. However, later on the petitioner came to know that the petitioner had been declared as proclaimed offender and that the order of acquittal was qua the other accused and the order of the acquittal did not relate to the petitioner; because he was declared as a proclaimed offender. It is further contended by the counsel that the non-appearance of the petitioner was not intentional. The petitioner had no intention to flee from course of justice. Since the petitioner has now come

to know of the fact of having been declared as a proclaimed offender, therefore, the petitioner intends to appear before the trial Court. Only prayer is that he be protected against his arrest.

Notice of motion to respondent No.1 only.

Mr. K.S. Aulakh, DAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any 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 20.10.2018. It is further directed that in case the petitioner so appears before the trial Court on or before 20.10.2018 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 05, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No