

**S.No.128**

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

\*\*\*\*

**CRM-M-44048 of 2018 (O&M)**

**Date of Decision:05.10.2018**

**Arwinder Singh @ Ravinder Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Vivek Goel, Advocate for the petitioner.

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**Rajbir Sehrawat, J.(Oral)**

This is a petition seeking quashing of FIR No.51 dated 01.04.2005 registered under Sections 419/420/465/468/471/120-B IPC at Police Station Dharamkot District Moga and order dated 20.09.2008 whereby the petitioner was declared as a proclaimed offender.

At the outset, counsel for the petitioner submits that he restricts his petition only qua the challenge to the order dated 20.09.2008 whereby he was declared as Proclaimed Offender.

It is contended by counsel for the petitioner that earlier the petitioner was on bail in this case. However, thereafter, the petitioner had to go to Australia in connection with his employment. While abroad, the petitioner came to know that matter has been compromised between the parties. Therefore, the petitioner was under a mistaken impression that the matter has been finished. However, later on the petitioner came to know that the petitioner had been declared Proclaimed Offender and the proceedings against him have not ended so far. It is contended by the counsel that the petitioner had no intention to flee from course of justice. Since the petitioner has now come to know that he had been declared proclaimed

offender, therefore, he intends to appear before the trial Court to face the proceedings. The only prayer is that the petitioner 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 15.12.2018. It is further directed that in case the petitioner so appears before the trial Court on or before 15.12.2018 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**  
**renu**

**( RAJBIR SEHRAWAT )**  
**JUDGE**

Whether Speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No