

Sr. No.123

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

CRM-M-46423-2018(O&M)

Date of decision:22.10.2018

Paras Malhotra

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. B.S.Kathuria, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

CRM-37426-2018

Allowed as prayed for.

CRM-M-43423-2018

Present petition has been filed for seeking quashing of the impugned order dated 09.05.2018 passed by the CJM, Amritsar in FIR No.4 dated 08.04.2016 for the offences punishable under Sections 406/420/419 of IPC registered at Police Station N.R.I.Amritsar, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was never served any notice or warrant for the proceedings; in FIR No.4 dated 08.04.2016; for the offences punishable under Sections 406/420/419 of IPC registered at Police Station N.R.I.Amritsar, District Amritsar. It is further contended that originally the petitioner was not even named in the case. His name cropped up only in the year, 2017 through a disclosure statement of the co-accused. Despite that, no notice was ever received by the petitioner. Therefore, the petitioner has wrongly been declared as a

proclaimed person. The petitioner has no intention to flee from the course of justice. In any case, since the petitioner has now come to know of the proceedings, therefore, he intends to appear before the Trial Court. The only prayer is 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 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 29.11.2018. 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.

22nd October, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*