

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

**CRM-M-No.49761 of 2018 (O&M)
Decided on: 14.11.2018**

Narinder KumarPetitioner

Versus

State of Punjab and anotherRespondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Rajbir Sehrawat, J. (Oral)

CRM-39836-2018

Application is allowed as prayed for.

CRM-M-No.49761 of 2018

The present petition filed under Section 482 of the Cr.P.C. for quashing of the impugned order dated 17.07.2018 passed by the Learned Sub-Divisional Judicial Magistrate, Phagwara in Complaint No.967 of 2017 dated 15.05.2017 titled as Karamvir Arora Vs. Narinder Kumar, whereby the petitioner was declared as proclaimed person.

Learned counsel for the petitioner submits that the petitioner has been regularly appearing before the trial Court. Thereafter the complainant had entered into a compromise and assured the petitioner that he would withdraw the complaint. Under this misconceived impression, the petitioner did not appear before the trial Court. Resultantly, his bail bonds were cancelled. The proceedings under Section 82 of Cr.P.C. were initiated. However even during these proceedings, the petitioner was never served with any summons or notice from the Court. So the petitioner could not appear. Resultantly, the petitioner has been declared proclaimed person through the impugned order. The petitioner has no intention to flee from

the course of justice. Since the petitioner has now come to know that proceedings against him were not terminated, therefore, the petitioner want to appear before the trial Court to face the further proceedings, if any. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

Mr. K.S.Aulakh, DAG, Punjab, accepts notice on behalf of the State.

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 26.11.2018. 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.

(RAJBIR SEHRAWAT)
JUDGE

14.11.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No