

S.No.125

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

CRM-M-49813 of 2018 (O&M)

Date of Decision:15.11.2018

Suchpal SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)Surrender

This is a petition seeking quashing of orders dated 23.09.2016 and 15.11.2016 passed by JMIC Ist Class, Ludhiana whereby the petitioner was declared as proclaimed offender in cross case vide DDR No.22 in FIR No.81 dated 20.05.2013 registered under Sections 323, 341, 148 and 149 IPC at Police Station Meharban, Ludhiana.

It is contended by counsel for the petitioner that the petitioner was duly appearing before the trial Court in the case. However, during the pendency of the proceedings, the petitioner had gone abroad to meet his other family members, who are residing there. Unfortunately, the petitioner got stuck in some legal tangle abroad. However, when he came back, then he came to know that the petitioner has already been declared proclaimed offender. Still further, it is contended that even the procedure prescribed under Section 82 of Cr.P.C has not been properly followed at the time of declaring the petitioner as a proclaimed person. However, since the petitioner has now come to know of the fact that the petitioner has been declared as a proclaimed person, the petitioner intends to appear before the trial Court to face the proceedings. The only prayer is that he be protected

against his arrest. The petitioner has no intention to flee from course of justice.

Notice of motion.

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 26.11.2018. It is further directed that in case the petitioner so appears before the trial Court on or before 26.11.2018 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 15, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No