

Sr. No.131

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

**CRM-M-50154-2018
Date of decision:15.11.2018**

Ramit Kumar

.....Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing of the Order dated 19.12.2017 passed by the Additional Chief Judicial Magistrate, Hoshiarpur whereby the petitioner has been declared as a proclaimed person in a case arising from FIR No.122 dated 16.09.2016 for the offences punishable under Sections 406,420 IPC registered at Police Station Sadar, District Hoshiarpur.

Learned counsel for the petitioner contends that the challan in the case was presented by the police when the petitioner was already abroad. Somehow, he could not return to India. When he returned to India on 03.08.2018 then he came to know that he has already been declared as proclaimed person. Now since the petitioner has come to know of the fact that he is required to appear before the Court, therefore, petitioner intends to appear before the Court to face the further proceedings, if any. It is further contended that the petitioner never had any intention to flee from the course of justice. Since the petitioner intends to appear before the Trial Court,

therefore, the only prayer is that the petitioner be protected against his arrest. In the end, learned counsel for the petitioner has also submitted that the main case has already been compromised between the parties. The statements to this effect has already been got recorded by the respective parties before the Illaqa Magistrate, Hoshiarpur under the Orders passed by this Court.

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 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.

15th November, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*