

Sr. No.116

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

**CRM-M-53549-2018
Date of decision:4.12.2018**

Sunita

.....Petitioner

versus

Haryana Liquors Private Ltd.

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing of the Order dated 15.11.2017, whereby the petitioner has been declared as Proclaimed Offender/person by the court below.

At the time of the argument, learned counsel for the petitioner has submitted that subject to his right to avail separate or alternate remedy for challenging the complaint or any other order, the present petition be restricted only to the Order dated 15.11.2017, whereby the petitioner was declared as Proclaimed Offender/person.

It is contended by the counsel for the petitioner that the Complainant has played a upon the Court. Complainant got the notices issued to the petitioner on the address mentioning House No. 9038/21, Prem Nagar, Rohtak; whereas; at the relevant time the petitioner was residing in House No.938/21, Prem Nagar, Rohtak. So the address given by the Complainant to the serving agency; was patently wrong. It is further contended that even the House No.9038/21, Prem Nagar, Rohtak,

had already been sold by the petitioner, through a registered sale deed on 02.02.2016. Hence the process of the Court; as such; has never reached to the petitioner. The petitioner has been declared as a proclaimed offender/person without following the due process; as prescribed under Section 82 Cr.P.C. However, since the petitioner has now come to know about the order passed against her, therefore, petitioner intends to appear before the Trial Court; to face the further proceedings. The petitioner has no intention to flee from the course of justice. The only prayer is that the petitioner be protected against her arrest.

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 17.12.2018. 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.

4th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*