

Sr. No.108

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

CRR-1-2017(O&M)

Date of decision:30.07.2018

Manjeet Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kamaljeet S.Mamrat, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. Kamalpreet Singh Bawa, Advocate
for the complainant/respondent NO. 2.

Rajbir Sehrawat, J(Oral)

CRM-9-2017

For the reasons mentioned in the application, the delay of 18 days in filing the present petition is condoned.

Civil Misc. application stands allowed.

CRR-1-2017

Present petition has been filed for challenging the Order dated 17.09.2016 whereby the present petitioner was declared as proclaimed person.

Learned counsel for the petitioner contends and has also averred in the petition that the petitioner could not appear before the Court on the date fixed because of the medical reasons. Learned counsel further submits that even the procedure prescribed under Section 82 of the Code of Criminal Procedure has not been properly followed before declaring the petitioner a proclaimed person. It is contended that when the proclamation order was passed on 14.07.2016, the petitioner was not served properly. Learned counsel further submits that wife of the petitioner is also facing medical problems.

Learned counsel for the petitioner further submits that the petitioner has no intention to flee from the course of justice. The only prayer made is that the petitioner be protected against arrest. Petitioner intends to appear before the Trial Court and face the trial.

Learned State counsel, on being instructed by HC, Sukhwinder Singh submits that State has no objection if the petitioner joins the investigation and face trial proceedings before the Trial Court.

The object of the coercive mechanism as contained in provisions relating to declaring the person a proclaimed person, is that the presence of the said person before the Court is ensured to face the trial. The main object of the provision is not to straightway punish the accused for his absence from the process. If he shows his sincere intention to appear before the Court, then he deserves to be given a fair chance to appear before the Court to face the trial.

In view of the above, the impugned order dated 17.09.2016 is set aside, subject to his appearance before the Trial Court. Petitioner is directed to appear before the Trial Court on 08.08.2018. It is further directed that, in case, the petitioner appears before the Trial Court on or before 08.08.2018, then the petitioner shall be released on bail subject to his furnishing personal bonds/surety to the satisfaction of the Trial Court.

Disposed off.

30th July, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>