

S.No.241

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

CRM-M-3638 of 2019 (O&M)

Date of Decision:18.12.2019

Mandeep Singh alias Sonu

....Petitioner

Vs.

State of Punjab and another

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Dhawan, Advocate for the petitioner.
Mrs. Amarjit Kaur Khurana, DAG, Punjab.
Mr. Rishu Mahajan, Advocate for respondent No.2.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C praying for quashing of the order dated 18.01.2014 passed by the learned JMIC, Nakodar vide which the petitioner has been declared as proclaimed offender in the FIR No.113 dated 11.09.2012 registered under Section 327 IPC and under Section 25, 54, 59 of Arms Act at Police Station Mehatpur, District Jalandhar.

It is contended by learned counsel for the petitioner that even when the offence was allegedly committed, the petitioner was not in India. Thereafter, also, the petitioner never came to India. But, subsequently, the petitioner came to know that he has been declared as proclaimed offender vide order dated 18.01.2014. However, even on that date, the petitioner was not in India. Therefore, the procedure prescribed under Section 82 Cr.P.C has not been followed properly; before passing the impugned order against the petitioner. Since the petitioner has now come to know that he is required in some proceedings by the Court of law, therefore, the petitioner intends to appear before the Court; to face further proceedings; in accordance with law. The petitioner has no intention to flee from course

of justice. The only prayer is that he be protected against his arrest.

The State has filed reply by way of affidavit of Lakhvir Singh, DSP, Sub Division Shahkot, District Jalandhar (Rural). The same is taken on record. Although the State has claimed that the petitioner is involved in the crime, however, learned State Counsel does not have any objection if the petitioner submits to the jurisdiction of the Court and appears before the Court to face further proceedings in accordance with law.

Learned counsel appearing for respondent No.2 also does not have any objection if the petitioner appears before the Court to face further proceedings in accordance with law.

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 24.01.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 24.01.2020 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 18, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No