

S.No.124

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

CRM-M-6674 of 2019 (O&M)

Date of Decision:14.02.2019

Daljit SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashok Paul Batra, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of order dated 15.02.2016 passed in a case No.RT-132/7.03.2011/26.5.2015 arising out of FIR No.90, dated 29.05.2010 registered under Sections 420 and 506 IPC at Police Station Morinda, District Rupnagar vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that the petitioner is residing abroad. This fact has been verified even by the Police in its final report. Therefore, he was never served with any notice or summons from the Court. Hence, the petitioner has been declared proclaimed offender in violation of the procedure prescribed under Section 82 of Cr.P.C. However, the petitioner has now come to know of the fact that the petitioner has been involved in this case and he has been declared as a proclaimed person vide the impugned order. He has no intention to flee from course of justice. He intends to appear before the trial Court to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. K.S. Aulakh, DAG, Punjab, accepts notice on behalf of the State. Learned counsel for the petitioner has supplied copy of the petition to learned State Counsel in Court today itself.

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 11.03.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.03.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

February 14, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No