

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9893-2019 (O&M)
Date of decision:05.03.2019

Narinderjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Anil Bansal, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for quashing/setting aside of the impugned order dated 14.01.2008, passed by the Chief Judicial Magistrate, Tarn Taran in case FIR No.42 dated 04.05.2006 under Section 323 and 324 of IPC, registered at Police Station Verowal, District Tarn Taran, vide which, the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner contends that the petitioner has wrongly been involved in this case. However, earlier the petitioner was released on bail in this case. Thereafter, the matter was compromised with the complainant. As per the settlement, the complainant had assured that she would withdraw the complaint made against the petitioner. However, the complaint was not withdrawn. Now, the petitioner has come to know that he has been declared as proclaimed offender way back in the year 2008. The petitioner tried to contact the complainant. However, it transpires that even the complainant has expired in the year 2012. Still further, it is submitted that since the petitioner was residing at Hong Kong, therefore, he was not served any notice/summons or warrants issued by the trial Court.

Hence, the order declaring the petitioner as proclaimed offender has not

been passed in accordance with the procedure prescribed under Section 82 Cr.P.C. Since the petitioner has now come to know that he has been declared as proclaimed offender, therefore, the petitioner intends to appear before the trial Court to face the further proceedings; in accordance with law. It is further contended by the learned counsel for the petitioner that the petitioner has no intention to flee from the course of justice. The only prayer is that the petitioner be protected from his arrest.

Notice of motion.

Mr. Rajat Bansal, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court.

Heard.

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 18.03.2019. 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.

(RAJBIR SEHRAWAT)
JUDGE

05.03.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No