

S.No.121

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

CRM-M-10258 of 2019 (O&M)

Date of Decision:06.03.2019

Surinder Singh

.....Petitioner

Vs.

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of order dated 03.10.2017 passed in complaint No. Nact.155/2014 dated 19.08.2014, whereby the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner submits that the petitioner was appearing in this case earlier. He was released on bail. However, thereafter, the petitioner had to go abroad in connection with his family pre-occupations. Therefore, the petitioner lost touch with the proceedings of the case. Thereafter, the petitioner only came to know that he has already been declared as a proclaimed person by the trial Court. It is submitted by the the counsel that the petitioner was never served any notice, summon or warrants before declaring him a proclaimed person. Still further, it is submitted that even as per the record, the statutory period of 30 days had not been provided after publication of the proclamation. Hence, even the procedure prescribed under Section 82 Cr.P.C has not been followed before declaring the petitioner as a proclaimed person. However, since the petitioner has now come to know of the proceedings pending against him, therefore, he intends to appear before the trial Court to face further proceedings in

accordance with law. He has no intention to flee from course of justice.

The only prayer is that the petitioner be protected against his arrest.

In view of the above facts and the nature of the order this Court is going to pass further, this Court does not find it necessary to issue any notice to respondent No.2 in this case.

Notice of motion to respondent No.1 only.

The State Counsel accepts notice on behalf of respondent No.1. He has no objection if the petitioner appears before the trial Court to face further proceedings.

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 15.03.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 15.03.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

It is further directed that after appearance of the petitioner, the trial Court shall conclude the trial itself within a period of three months from the date of appearance of the petitioner.

March 06, 2019
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(RAJBIR SEHRAWAT)
JUDGE