

S.No.121

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

CRM-M-11872 of 2019 (O&M)

Date of Decision:15.03.2019

Ranjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ravi Chadda, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of FIR No.50 dated 20.04.2002 registered under Sections 431, 432, 427, 506, 148, 149 IPC and Section 3 of Damage of Public Property Act, Police Station Dasuya, District Hoshiarpur and order dated 14.07.2010 vide which the petitioner has been declared as proclaimed offender.

At the outset, counsel for the petitioner submits that he has the instructions to submit that this petition be restricted only qua the challenge to the order dated 14.07.2010, whereby the petitioner was declared as Proclaimed Offender. He prays for withdrawal of the petition qua challenge to the FIR at this stage.

The petition is dismissed as withdrawn qua challenge to the FIR at this stage. The petition is treated only qua the challenge to the order declaring the petitioner as proclaimed offender.

It is contended by counsel for the petitioner that although around the time, when the offence happened, the petitioner was in India, however, since the petitioner is resident of Canada, therefore, he had returned to Canada soon thereafter. When the petitioner was in India, he was not joined in the investigation. However, later on, the petitioner came

to know that the proceedings in the FIR had proceeded further. The co-accused of the petitioner has since been acquitted by the trial Court but the petitioner has been declared as a proclaimed offender vide the impugned order.

Learned counsel for the petitioner has submitted that the impugned order has been passed without compliance of the provisions of Section 82 Cr.P.C. The petitioner had never been served with any notice, summon or warrant issued by any Court, since the petitioner happen to be abroad throughout this period. However, now the petitioner has come to know of the proceedings against him, therefore, he intends to submit to the process of law. The petitioner has no intention to flee from course of justice. The only prayer is that the petitioner be protected against 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 admits to the process of 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 submit to the process of law, 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 SHO, Police Station, Dasua, District

Hoshiarpur on or before 21.03.2019. It is further directed that in case the petitioner so appears before the Police on or before 21.03.2019 to join the investigation and if he is arrested in connection with the FIR mentioned in the petition, then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the Arresting Officer.

March 15, 2019	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No