

Sr. No.142

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

**CRM-M-12624-2019(O&M)
Date of decision:18.03.2019**

Navdeep Singh @ Ballu

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for quashing of the Order dated 15.12.2018(Annexure P-4) passed by the JMIC Ist Class, Amritsar, and District Amritsar; whereby the petitioner has been declared as proclaimed offender in FIR No.46 dated 12.05.2015 for the offences punishable under Sections 452/506/427/148/149 IPC registered at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner contends that in this very case the petitioner was released on bail pending trial. Thereafter, the petitioner was regularly appearing before the Trial Court. However, on 15.09.2018, the petitioner could not appear, resultantly, the arrest warrants have been issued against the petitioner. Hence the petitioner apprehends his arrest. It is further submitted by the counsel that non-appearance before the Trial Court was not intentional. In fact, the petitioner had wrongly noted the date as 25.12.2018. However, since the petitioner has come to know of the proceedings, therefore, the petitioner intends to appear before the Trial Court. He

does not have any intention to flee from the course of justice. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh, DAG, Punjab accepts notice on behalf of the State of Punjab and submits that he has no 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 26.03.2019. 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.

18th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*