

Sr. No.121

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

CRM-M-16320-2019

Date of decision:09.04.2019

Parshotam Lal

.....Petitioner

versus

State of Punjab and another

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of impugned order dated 11.01.2019(Annexure P-10) passed by the Court of learned JMIC, Gurdaspur in a complaint bearing No.44/11.05.2016 vide which the petitioner has been declared proclaimed offender illegally without complying with the provisions of CRPC.

Learned counsel for the petitioner contends that the petitioner has been wrongly declared as proclaimed offender in the trial pending under Section 138 of the Negotiable Instruments Act. It is submitted by the counsel that even as per the record, there is no proper service of any notice, summons or warrants upon the petitioner. Had the petitioner been informed about the case; than there was no reason or occasion for him not to appear before the Court; because the offence involved in the case is bailable. However, since the petitioner has now come to know of the fact that he is required to appear before the Trial Court in a case; in which he has been declared as proclaimed offender, therefore, the petitioner intends to appear before the Trial Court to face further proceedings in accordance with law. It

is further contended by counsel for the petitioner that the petitioner has no intention to flee from the course of justice. He intends to appear before the Trial Court now. The only prayer is that the petitioner be protected from arrest.

Notice of motion.

On the asking of the Court, Shri P.S.Walia, AAG, 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.

In view of the nature of the Order being passed, it is not felt necessary to issue notice to respondent No.2.

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 23.04.2019. 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.

9th April, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*