

**Sr. No.124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14729-2019(O&M)

Date of decision:01.04.2019

Harmeet Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Yogesh Aneja, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of the impugned Order dated 12.04.2018(Annexure P-2) passed by the Sub Divisional Judicial Magistrate, Jalalabad(West) in complaint case No.NACT/65/2016/10.03.2016, whereby the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that earlier the petitioner was released on bail by the Trial Court. He had been appearing regularly during the trial. Prosecution evidence had even been completed. However, since the petitioner is a driver by profession, therefore, he had to travel outside the State of Punjab. As a result, the communication gap developed between the petitioner and his counsel. Hence the petitioner lost touch with the Court proceedings and he could not appear before the Trial Court. Therefore, the bail granted to the petitioner was canceled and vide Order dated 12.04.2018 he was declared as proclaimed person. It is further submitted that since the petitioner was outside the State of Punjab, therefore, he could not be served with any notice, summon or warrants from any court. Hence even the procedure described for declaring the person as proclaimed person has not been followed while passing the impugned order.

The petitioner apprehends his arrest. 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 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 to face the proceedings in accordance with law.

At this stage, this Court does not find it necessary to issue the notice to respondent No.2, in view of the nature of the Order intended to be passed hereinbelow.

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 11.04.2019. 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.

1st April, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*
Whether Reportable *Yes/No*