

S.No.130

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

CRM-M-15792 of 2019 (O&M)

Date of Decision:08.04.2019

Rishi Sood Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. N.S. Sodhi, Advocate
 for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner seeking quashing of the order dated 12.11.2018 by which he has never been served and has been wrongly and illegally declared as proclaimed offender in case FIR No.117 dated 07.10.2015 registered under Sections 21/29-61/85 of NDPS Act at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner submits that in this very case, the petitioner was granted concession of anticipatory bail. Pursuant to that, the petitioner had joined the investigation and he was released on bail by the Arresting Officer. However, Investigating Officer of the case had demanded money from the petitioner. When the petitioner refused to oblige the Investigating Officer then the Investigating Officer had threatened the petitioner to teach him a lesson. The Investigating Officer of the case had also not liked the fact that the petitioner had got anticipatory bail from the Court. Hence, to ensure that the petitioner is taken into custody, he has manipulated the entire act of getting the petitioner declared as proclaimed offender. Otherwise, once the petitioner had been granted anticipatory bail

and he had already joined the investigation, he would not have any reason or occasion for not appearing before the Court, had he been properly served with any notice, summon or warrants. It is further submitted that the Investigating Officer of the case and the serving constable have colluded and as a result, the petitioner has never been served with any notice, summon or warrant issued by the trial Court or by the Police Officer. However, since the petitioner has now come to know of the fact that the challan has already been filed before the Court and he is required to appear before the trial Court, the petitioner intends to appear before the trial Court to face further proceedings in accordance with law. It is further submitted that 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. P.S. Walia, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any 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 29.04.2019. It is

further directed that in case the petitioner so appears before the trial Court on or before 29.04.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 08, 2019

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Whether Speaking/reasoned

Whether Reportable

(RAJBIR SEHRAWAT)

JUDGE

Yes/No

Yes/No