

S.No.126

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

**CRM-M-20766 of 2019 (O&M)
Date of Decision:07.05.2019**

Sukhdeep Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of impugned order dated 24.04.2017 passed by learned JMIC, Malerkotla in complaint No.142 dated 13.05.2016 vide which the petitioner was wrongly declared as proclaimed person.

Learned counsel for the petitioner contends that the petitioner has been wrongly declared as a proclaimed person vide order dated 24.04.2017. The petitioner has never been served with any notice, summon or warrant issued by any Court of law. Had the petitioner been served with any notice, summon or warrant, then there would not have been any reason or occasion for the petitioner not to appear before the trial Court, because the offence involved in the main case is only bailable in nature. However, since the petitioner has now come to know of the fact that he has been declared as a proclaimed person, therefore, he intends to appear before the trial Court to face further proceedings in accordance with law. The petitioner does not have any intention to flee from course of justice. The

only prayer is that he be protected against his arrest. Still further, it is submitted by the counsel that in the application moved for anticipatory bail, the petitioner had even made the payment of entire amount of the cheque. The same has already been received by the complainant. Therefore, even the complainant has agreed for compounding of the offence involved in the main case.

Notice of motion.

Mr. Prabhjot Singh 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.

Mr. Akshit Aggarwal, Advocate, who is present in Court, accepts notice on behalf of the complainant- respondent No.2. He has also submitted that in fact the complainant has received the money which he was to take from the petitioner. It is further submitted that the complainant is also not averse to the compounding of the offence by moving an appropriate application before the 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 and the impugned order dated 24.04.2017 is set aside, subject to the petitioner appearing before the trial Court on or before 17.05.2019. It is further

directed that in case the petitioner so appears before the trial Court on or before 17.05.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 07, 2019
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Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(RAJBIR SEHRAWAT)
JUDGE