

Sr. No.130

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

**CRM-M-21487-2019(O&M)
Date of decision:10.05.2019**

Amandeep Kaur

..... Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of the Order dated 02.02.2019 by virtue of which the petitioner was declared proclaimed offender in FIR No.195 dated 07.10.2014 for the offences punishable under Sections 406/420/120-B IPC registered at Police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner contends that in this very case, earlier the petitioner was granted anticipatory bail. Thereafter, the petitioner had been regularly appearing before the Trial Court. But, thereafter, the petitioner gave birth to a child. The husband of the petitioner, who is the main accused in the case, used to take her alongwith him to the Court. However, later on, her husband told the petitioner that compromise has been arrived at with the complainant. Subsequently, even the relation of the petitioner with her husband had gone soar and her husband stopped taken the petitioner alongwith him. As a result, the petitioner has been

declared as a proclaimed offender on account of her absence from the Court. It is further submitted that the petitioner was never served with any notice, summon or warrants of arrest before declaring her proclaimed person, despite the fact that she is residing at the same house since the beginning. However, since the petitioner has now come to know of the fact that she has been declared as proclaimed offender, therefore, she intends to appear before the Trial Court to face further proceedings in accordance with law. Learned counsel further submits that the petitioner has no intention to flee from the course of justice. She intends to appear before the Trail Court now. 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

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 20.05.2019. 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.

10th May, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*