

Sr. No.123

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

CRM-M-24037-2019

Date of decision:24.05.2019

Jatinder Singh @ Jinda

..... Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of Proclaimed Offender Order passed by the Court of CJJD/JMIC, Dasuya, District Hoshiarpur vide Order dated 22.01.2014(Annexure P-5) in FIR No.85, dated 21.07.2010 for the offences punishable under Sections 326,324 and 34 IPC qua petitioner only registered at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner contends that although the FIR was of the year 2010, however, the petitioner was not even aware of the fact that he is involved in any case. Thereafter, in the year 2011, the petitioner had gone abroad. When the petitioner was abroad, he was declared as proclaimed offender in the year, 2014. However, before declaring the petitioner as proclaimed offender, the petitioner was not served with any notice, summon or warrants issued by any Court of law. During this entire period, the petitioner happened to be abroad. The petitioner has come to know that subsequently even the complainant had given affidavit to the police, clarifying that the petitioner is not involved in

the case and his name was mentioned by inadvertent mistake. Still further, it is submitted that since the petitioner has now come to India and he has come to know that the impugned order has been passed against him, 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 the course of justice. 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. Mr. Ankur Bansal, Advocate who is present in Court, has put in appearance on behalf of the complainant-respondent No. 2. Learned counsel for the parties, submit that they have no objection if the petitioner appears before the Trial Court.

Learned counsel for the petitioner(s) is directed to hand over a copy of the petition to the opposite counsels during the course of the day. of Punjab.

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 22.01.2014(Annexure P-5) is quashed, subject to the petitioner appearing before the trial Court on or before 29.05.2019. 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.

24th May, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*