

S.No.119

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

CRM-M-24137 of 2019 (O&M)

Date of Decision:27.05.2019

Ranjit SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurmeet Singh, Advocate with
Mr. Anureet S. Sidhu, Advocate for
the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing/setting aside the order dated 13.09.2008 (Annexure P.2) whereby the petitioner was declared Proclaimed Offender by learned Sub Divisional Judicial Magistrate, Phillaur in case FIR No.217 dated 28.10.2005 registered under Sections 307, 323, 148, 149 IPC (offence under Section 325 IPC added later on) and Section 25, 54 of Arms Act at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that although the FIR pertains to the year 2005, however, since it was a case of version and cross-version, therefore, the investigation by the Police had taken a long time. The case was committed by the Magistrate only in the year 2009. But before that, the petitioner was declared proclaimed offender vide order dated 13.09.2008. However, before declaring the petitioner as proclaimed offender, no notice, summons or warrants were ever served upon the petitioner because the petitioner had already gone abroad. Even now, the petitioner happens to be abroad. In the interregnum, the petitioner never returned to India. It is further submitted that now the petitioner has come to know that the matter stands compromised between the parties and since

both the sides have already been acquitted by the trial Courts, therefore, the petitioner is not required for any investigation/ trial purposes. However, since there is an order of the Court against him, therefore, the petitioner intends to appear before the 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 the petitioner be protected against his arrest.

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 to face further proceedings.

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 13.09.2008 is set aside subject to the petitioner appearing before the trial Court on or before 10.06.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 10.06.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 27, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No