

Sr. No.130

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

CRM-M-28319-2019

Date of decision:08.07.2019

Puneet Soni @ Pippu

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for quashing and setting aside the Order dated 10.01.2018(Annexure P-4) passed by the Judicial Magistrate First Class, Jalandhar in FIR No.90, dated 12.07.2017 for the offences punishable under Sections 307,323,365,368,506,148,149,120-B IPC and Sections 25,24,59 of Arms Act registered at Police Station Division-6, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has wrongly been declared as proclaimed person without following the procedure prescribed by law. It is submitted that the petitioner was not even aware of the case pending against him. The serving police official, have made wrong statement qua the service of warrants upon the petitioner, if any. In fact, the police had been taking the summons/warrants issued against the petitioner at the wrong address. Therefore, the petitioner was never served with any notice, summons or warrants issued by the Court of law; before declaring the petitioner as proclaimed person. However, when the petitioner came to know of the proceedings, the petitioner had filed a

petition before this Court for quashing of the FIR itself. However, the same was dismissed by this Court vide Order dated 06.04.2018. Still further it is submitted that otherwise also, the complainant has now settled the matter amicably with the present petitioner. In any case, the petitioner has no intention to flee from the course of justice. He intends to appear before the Trial Court to face further proceedings in accordance with law. However, 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

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 Order dated 10.01.2018(Annexure P-4) is quashed subject to the petitioner appearing before the trial Court on or before 22.07.2019. 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.

8th July, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>