

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

**CRM-M No.28915 of 2019 (O&M)**  
**DATE OF DECISION : 20<sup>th</sup> AUGUST, 2019**

**Sukhwinder Singh @ Sukhjinder Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present : Mr. Sarbjit Singh, Advocate for the petitioner.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

**CRM-24174-2019**

The application is allowed and Annexures P-6 to P-8 are taken on record, subject to all just exceptions.

**CRM-M No.28915 of 2019**

This petition has been filed by the petitioner for quashing of order dated 23.10.2006 passed by the learned CJM, Kapurthala in case FIR No.161 dated 24.08.2004 registered under Section 324 & 326 IPC, 1860 at Police Station City Kapurthala, District Kapurthala.

It is contended by learned counsel for the petitioner that although the FIR in this case pertains to the year 2004. However, the petitioner was not specifically named in the FIR. Therefore, the petitioner was not even aware of any proceedings against him. Subsequently, the petitioner went abroad on 10.12.2005. Thereafter, the name of the petitioner was involved in the case and the petitioner was declared proclaimed offender vide order dated 23.10.2006. However, since the petitioner was abroad during this entire duration, petitioner has

not been served with any notice, summon or warrant issued by any court of law. Hence, the procedure prescribed by Section 82 Cr.P.C. has not been properly followed before declaring the petitioner as proclaimed offender. It is further submitted that all the other co-accused has since been acquitted of the charges levelled in this case. Now the petitioner has come to India on 01.05.2019 and then the petitioner has come to know that he has already been declared as proclaimed offender. Hence, the petitioner apprehends his arrest. It is further submitted by the counsel for the petitioner that the petitioner does not intend to flee from the course of justice. He intends to appear before the trial court; to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. K. S. Aulakh, Deputy Advocate General, 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 subject to the petitioner appearing before the trial Court on or before 30.08.2019. 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.

20<sup>TH</sup> AUGUST, 2019  
'raj'

(RAJBIR SEHRAWAT)  
JUDGE

|                            |     |    |
|----------------------------|-----|----|
| Whether speaking/reasoned: | Yes | No |
| Whether Reportable:        | Yes | No |