

Sr. No.122

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

CRM-M-37697-2019

Date of decision:06.09.2019

Lal Chand @ Lali Keeda

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. A.P.S.Sandhu, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of the Order dated 25.02.2019(Annexure P-4) whereby the petitioner was declared proclaimed offender in FIR No.187 dated 25.09.2014 for the offences punishable under Sections 307, 452, 427, 148, 149 IPC and Sections 25/27 of Arms Act registered at Police Station C-Division, District Amritsar.

Learned counsel for the petitioner contends that in this very case the petitioner was released on bail pending trial by the Trial Court. Thereafter, the petitioner had been regularly appearing before the Trial Court to face proceedings. However, on 29.09.2018 the petitioner could not appear before the Trial Court. Hence, the bail granted to the petitioner was cancelled and warrant of arrest was issued against him. Even on subsequent dates, the petitioner could not appear because of ill health and the precarious family circumstances created by death of one of the sons of the petitioner. But so far as the Order of declaration of the petitioner as Proclaimed Offender is concerned, it is submitted by learned counsel for the petitioner that the petitioner has never been served with any notice, summon or

warrant issued by any Court. However, the petitioner does not have any intention to flee from the course of justice. Petitioner 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.

On the asking of the Court, Ms. Amarjit Kaur Khurana, 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, Order dated 25.02.2019(Annexure P-4) is quashed subject to the petitioner appearing before the trial Court on or before 18.09.2019. 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.

6th September, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*