S.No.129

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39119 of 2019 (O&M)
Date of Decision:13.09.2019

Nagina .....Petitioner

Vs.

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

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Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of order dated 26.02.2018 whereby the petitioner was declared proclaimed offender in FIR No.137 dated 24.08.2015 registered under Sections 307, 148, 149 IPC and 25/27 of Arms Act at Police Station C. Division, District Amritsar.

It is contended by learned counsel for the petitioner that the petitioner was granted concession of anticipatory bail in this case. Accordingly, he joined the investigation and was released on bail. Thereafter, at the time of presentation of challan, the petitioner was not served with any notice by the Court or by the Investigating Officer. Even, subsequently, the petitioner was never served with any notice, summons or warrants issued from any Court. However now the petitioner has come to know that he was already declared as a proclaimed offender on 26.02.2018. It is further submitted that the petitioner does not have any intention to flee from course of justice. He intends to appear before the trial Curt to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

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Mr. K.S. Aulakh, DAG, 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 is set aside, subject to the petitioner appearing before the trial Court on or before 23.09.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 23.09.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 13, 2019 **(RAJBIR SEHRAWAT)**
renu **JUDGE**

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

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