

Sr. No.140

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

CRM-M-43025-2019(O&M)
Date of decision:22.10.2019

Amit Bakshi

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sachin Rai, Advocate
for the petitioner(s).

Rajbir Sehrawat, J(Oral)

Present petition has been filed for quashing of the Order dated 19.02.2016(Annexure P-3) passed by Ld. JMIC, Ambala in Complaint No.51-1/23.01.2014 under Sections 323, 392, 452, 166, 167, 217, 218, 34, 120-B, 506 IPC at Police Station Panjokhera, District Ambala.

It is contended by learned counsel for the petitioner that the case against the petitioner itself is totally concocted. The petitioner is serving in Merchant Navy at Mumbai. Since he had contracted a love marriage, therefore, even his family members, residing at Ambala had strained relation with him. The petitioner was never served with any notice, summons or warrants from any Court. Still further it is submitted that even complaint filed against the petitioner, does not contain the address of the petitioner as such. Hence notice/summons issued to the petitioner were sent to his address at Ambala. However, for the reasons mentioned above, the other family members of the petitioner, never intimated the petitioner about these proceedings. Accordingly, the petitioner was not even aware of the pendency of the proceedings against him. Now, when the petitioner visited Ambala to take care of his properties, he came to know that he has

been declared as proclaimed person in the year 2016 vide impugned order. The petitioner was not aware of the proceedings against him earlier. However, since the petitioner has now come to know of the proceedings, therefore, he intends to appear before the Trial Court to face further proceedings in accordance with law. The petitioner has no intention to flee from the course of justice. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri M.K.Sangwan, DAG, Haryana accepts notice on behalf of the State and submits that State 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 subject to the petitioner appearing before the trial Court on or before 31.10.2019. 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.

22nd October, 2019

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

**[RAJBIR SEHRAWAT]
JUDGE**