

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

CRM-M No.42914 of 2019 (O&M)
DATE OF DECISION : 14th OCTOBER, 2019

Jiwan

.... Petitioner

Versus

Parmod Kumar

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Onkar Rai, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 03.04.2019 (Annexure P-1) passed by the SDJM, Bholath, District Kapurthla, vide which the petitioner was declared as proclaimed offender in complaint case No.69 of 2019.

It is contended by the counsel for the petitioner that after filing of the complaint by the complainant the petitioner has never been served. Therefore, the petitioner was not even aware of pendency of any complaint against him. Now suddenly police came to the house of the petitioner in his absence, to arrest him in the said complaint. It is only then that the petitioner came to know that the petitioner has been declared as proclaimed offender in the aforesaid complaint case. It is further submitted by counsel for the petitioner that the petitioner has no intention to flee from the courts of justice. He intends to appear before the trial Court to face further proceedings in accordance with law, as he was

doing earlier. The only prayer is that the petitioner be protected against his arrest.

In view of the nature of the order which this Court intends to pass, the Court does not find it necessary to issue any notice to the opposite side, at this stage. Hence, the present petition is being disposed of without issuance of the notice to the respondent.

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 21.10.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 21.10.2019 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

14TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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