

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

CRM-M No.44491 of 2019 (O&M)
DATE OF DECISION : 7th NOVEMBER, 2019

Amandeep Cheema

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Tarun Vir Singh Lehal, 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 10.09.2013 (Annexure P-5) passed by the CJM, Gurdaspur, vide which the petitioner was declared as proclaimed offender, without following proper procedure.

It is contended by the counsel for the petitioner that the trial court has wrongly declared the petitioner as proclaimed offender, without following the process of law. Petitioner was never served with any notice, summons or warrants before passing of the impugned order against the petitioner. In fact, the petitioner could not appear before the court, under an impression, though it turned out to be totally mistaken, that since the complainant himself has been made an accused in this case, therefore, the petitioner would not be required to appear before the trial court. Still further, it is submitted that even the co-accused of the petitioner have been acquitted by the trial court after a full-fledged trial and by appreciating the evidence of the prosecution. The allegations against the petitioner are also the same, as were against the co-accused. However, 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.

Mrs. Amarjit Kaur Khurana, DAG, Punjab, accepts notice on behalf of the State. She submits that the State has no objection to the protection being given to the petitioner, subject to the condition that the petitioner will appear 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, it would not be unjustified to grant protection to the petitioner with a direction to him to appear before the trial court, however, by putting him to some appropriate financial burden.

Accordingly, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 18.11.2019, and further subject to payment of ₹25,000/- as cost. It is further directed that in case the petitioner so appears before the trial Court on or before 18.11.2019 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

However, it is clarified that the petitioner shall be released on bail only on production of receipt of having deposited above said cost of ₹25,000/- with the Institute for Blind, Sector-26, Chandigarh.

7TH NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No