

S.No.126

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

CRM-M-47144 of 2019 (O&M)

Date of Decision:06.11.2019

Tarsem Singh PablaPetitioner

Vs.

State of Punjab & anr.Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. M.S. Batth, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of FIR No.67 dated 11.06.2011 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC at Police Station City SBS Nagar, District SBS Nagar and order dated 15.05.2012 vide which the petitioner was declared as a proclaimed offender in spite of the fact that he was not in India and no summons were ever served to him.

At the outset, counsel for the petitioner submits that he has the instructions to make a prayer before this Court that the present petition be restricted only qua the challenge to the order dated 15.05.2012 whereby the petitioner was declared as a proclaimed offender and that the petitioner does not want to press the petition qua the challenge to the FIR as such.

Accordingly, the present petition is entertained only qua challenge to the order declaring the petitioner as proclaimed offender.

It is contended by the counsel for the petitioner that the petitioner had gone abroad even before the date of registration of the FIR.

Thereafter, the petitioner had never returned to India. Therefore, the

petitioner was not even aware of pendency of any criminal proceedings against him. Since the petitioner had been abroad throughout, therefore, the petitioner was never served with any notice, summon or warrant from any point in this regard. Even the report of the Serving police officials shows that the petitioner was abroad when the process was issued against him. However, in some other civil proceedings, this fact has emerged now and, therefore, the petitioner has come to know that he is required to appear before the Court, in connection with the criminal case. It is further submitted that the petitioner has no intention to flee from 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 to respondent No.1 only.

Ms. Amarjit Kaur Khurana, DAG, Punjab, 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 subject to the petitioner appearing before the trial Court on or before 28.11.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 28.11.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 06, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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