

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

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**CRM-M No. 49318 of 2019
Date of decision : 20.11.2019**

Mandeep Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jitender Saharan, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C seeking quashing/setting aside of order dated 16.9.2019, passed by the learned Chief Judicial Magistrate, Gurugram, vide which the petitioner was declared proclaimed person in case FIR No. 307 dated 24.10.2017, registered under Sections 420, 467, 468, 471 and 120B IPC at Police Station Shivaji Nagar, District Gurugram.

It is contended by learned counsel for the petitioner that the petitioner was not named in the FIR. The allegations in the FIR are qua sale and purchase of a flat. The petitioner is not even alleged to be either seller or the purchaser of the said flat. Therefore, the petitioner was not aware of any case pending against him. The petitioner never received any notice from the police or any summons or warrant from any Court. Ultimately, when the police visited the house of the petitioner in his absence, for arresting him, then the petitioner came to know that he is involved in some case. On enquiry, the petitioner came to know that he had already been declared a proclaimed person.

Then the petitioner filed application for anticipatory bail. However, that was

also rejected by the Court below. The petitioner has now filed application for anticipatory bail before this Court, which is pending for 2.12.2019. However, since the petitioner was not ever served with any notice, summon or warrant from any Court, therefore, the Court has wrongly been made to believe that the petitioner has been evading service, by making a wrong statement by the serving constable. However, since the petitioner is now aware of the fact that he has been declared proclaimed person, therefore, he intends to appear before the trial Court or before the investigating officer, to face further proceedings, in accordance with law. The petitioner do not have any intention to flee from the Courts of justice. But the only prayer of the petitioner is that he be protected against his arrest.

Notice of motion.

Mr. M.K. Sangwan, DAG, Haryana, accepts notice on behalf of the State. Learned State counsel does not have any objection if the petitioner appears before the investigating officer of the case.

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 order dated 16.9.2019 is quashed subject to the petitioner appearing before the SHO, Police Station, Shivaji Nagar, District Gurugram on or before 4.12.2019. It is further directed that in case the petitioner so appears before the Police on or

before 4.12.2019 to join the investigation then in case of his arrest in connection with the FIR mentioned in the petition, he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the Arresting Officer.

(RAJBIR SEHRAWAT)
JUDGE

20.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No