

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 50593 of 2019 (O&M)
Date of Decision: 28.11.2019

Amit Mishra

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Benti Kaur, Advocate for
Mr. Kawaljyot Singh, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of order dated 26.9.2019 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Moga vide which the petitioner was declared a proclaimed person.

Learned counsel for the petitioner submits that in the complaint, the address is of Tehsil and District Moga whereas the petitioner is the resident of Amethi, Uttar Pradesh and that is why the service could not be effected on him. Learned counsel further submits that petitioner is ready to appear before the trial Court and the next date fixed before the Court below is 6.1.2020.

Notice in this case is not being issued as this would further delay the trial.

As per the record, the anticipatory bail application of the petitioner was dismissed on 6.11.2019 and he was directed to surrender 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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court on the date fixed. On doing so, he shall be released on bail subject to his furnishing fresh bail bond/surety bonds to the satisfaction of the trial Court and further subject to payment of Rs. 10,000/- as costs to be paid to the complainant.

(HARNARESH SINGH GILL)
JUDGE

November 28, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No