

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

CRM-M No.53827 of 2019 (O&M)
DATE OF DECISION : 17th DECEMBER, 2019

Daljit Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Gurjot Singh Mangat, 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 30.01.2017 passed by JMIC, SBS Nagar, whereby the petitioner was declared proclaimed offender in FIR No.54 dated 22.04.2017 registered under Section 408 IPC at Police Station City Nawanshahar, SBS Nagar.

Learned counsel for the petitioner submits that the petitioner has been wrongly declared proclaimed person by the impugned order. The FIR in the case was registered on 22.04.2017. However, since the FIR was based only upon some misunderstanding between the parties, therefore, the matter was amicably settled between the parties vide settlement deed dated 31.05.2017. Thereafter, the petitioner had gone abroad in August, 2017. However, the proceedings on the FIR, somehow, continued and now the petitioner has come to know that the petitioner was declared as proclaimed person in the above said case on 30.01.2018. It is further contended that even the FIR stands quashed qua other accused only on the basis of the above said settlement only. The

procedure prescribed under Section 82 Cr.P.C. has not been properly complied with; before declaring the petitioner as proclaimed person. No notice, summons or warrants, issued by any police officer or the court, were ever served upon the petitioner. However, since the petitioner has come to know now that he has been declared proclaimed person, the petitioner intends to appear before the Trial Court to face further proceedings in accordance with law. Learned counsel for the petitioner submits that the petitioner has no intention to flee from the course of justice. However, the only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mrs. Amarjit Kaur Khurana, DAG, Punjab, 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 he 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, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 03.01.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 03.01.2020 then he shall be released on bail on his

furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty
Magistrate.

17TH DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No