

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

101

CRM-M No.14015 of 2020
DATE OF DECISION : 4th JUNE, 2020

Avtar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Vijay K. Jindal, 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. read with Section 438 Cr.P.C for quashing of order dated 20.01.2020, whereby he has been declared as proclaimed offender and for grant of bail and protection against arrest in case FIR No.48 dated 12.04.2019 registered under Section 18 of the NDPS Act, 1985 at Police Station Adampur, District Jalandhar.

It is contended by counsel for the petitioner that in this very case, the petitioner was granted bail pending trial by the trial court. The petitioner was regularly appearing to face the proceedings of the trial court. However, the petitioner could not appear before the trial court on 09.10.2019 and on some dates subsequent thereto. Therefore, the bail granted to the petitioner was cancelled and warrants of arrest were issued against him. Thereafter, vide impugned order dated 20.01.2020 the

petitioner was even declared proclaimed offender. Still further, it is submitted by counsel for the petitioner that the petitioner was never served with any notice, summon or warrants before declaring him as proclaimed offender. The police have manipulated the report and have put up wrong facts before the court qua service upon the petitioner. Otherwise also; the petitioner cannot be declared proclaimed offender because the offence alleged against him does not fall within the scope of the offences for which the accused can be declared as proclaimed offender. It is further submitted by the counsel that the non-appearance of the petitioner before the trial court was not intentional. Rather it was because of the circumstances beyond control of the petitioner; because he had suffered spine injury and was regularly taking treatment for that. The petitioner does not have intention 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.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State. He submits that although the petitioner does not deserve the concession of bail because he had earlier absconded from the process of law, however, the State has no objection if the petitioner appears before the trial court.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain 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 23.06.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 23.06.2020 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

4th June, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No