

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 20365 of 2020

Date of Decision: 24.7.2020

Gopal Krishan

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pusupinder Yadav, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of order dated 03.1.2020 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Panchkula vide which the petitioner has been declared a proclaimed person in the complaint filed by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that the petitioner was earlier residing at the given address and had shifted from the said address about four years ago. He further submits that the petitioner has not been served as per law and has wrongly been declared proclaimed offender. Learned counsel also submits that the petitioner is ready to face the trial and there is no intention on his part to abscond the proceedings.

Notice to the State-respondent No. 1 only.

On the asking of the Court, Mr. Kuldeep Tiwari, Addl. A.G.,

Haryana accepts notice on behalf of the State.

Notice to respondent No. 2-complainant is not being issued as this would further delay the trial.

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 within 10 days from today. On doing so, he shall be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court and further subject to payment of Rs. 10,000/- as costs to the complainant.

(HARNARESH SINGH GILL)
JUDGE

July 24, 2020
Gurpreet

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