

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

108

CRM-M No.31914 of 2020 (O&M)
DATE OF DECISION : 15th OCTOBER, 2020

Ashish Kumar

.... Petitioners

Versus

State of Haryana & another

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Sanjiv Gupta, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-25150-2020

The application is allowed as prayed for.

CRM-M No.31914 of 2020

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 04.07.2016 (Annexure P-3), whereby he has been declared as proclaimed offender and for grant of bail and protection against his arrest in case FIR No.0527 dated 09.07.2015 registered under Sections 420, 467, 468, 471 & 34 IPC (Sections 467, 468 & 471 IPC added later on) at Police Station Sirsa City.

It is contended by counsel for the petitioner that the petitioner was not aware of the proceedings against him. In fact, the petitioner had shifted to Ahmadabad in connection of his business and

has started residing there for the past 7/8 years. Now the petitioner has come to know that the petitioner has been declared as a proclaimed person by the trial court. It is further contended by the counsel for the petitioner that the serving official never made any attempt to serve the petitioner at the correct address. The court has been made to believe the wrong report submitted by the Process Server. Therefore, the procedure prescribed under Section 82 Cr.P.C. has not been properly complied with before passing the impugned order. However, since the petitioner has now come to know that he has been declared proclaimed person and the petitioner does not have any 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. Ajay Pal Singh Gill, 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 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 15.11.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 15.11.2020 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.

15th OCTOBER, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>