

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 41873 of 2020
Date of Decision: 15.12.2020

Mangal Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition is for quashing the impugned order dated 30.11.2018 (Annexure P-3) passed by the learned Judicial Magistrate 1st Class, Patti, declaring the petitioners proclaimed offenders in case bearing FIR No. 31 dated 03.05.2014 registered under Sections 307, 323, 324, 326, 379, 382, 148, 149, 201 IPC and Sections 25 and 27 of the Arms Act, at Police Station Harike, Tarn Taran.

Learned counsel for the petitioners submits that in the above noted FIR, the arrest warrants were issued against the petitioners from time to time but the same could not be served and without service of arrest warrants, the proclamation was ordered for 12.10.2018. He further submits that on 12.10.2018, the proclamation could not be served and vide the impugned order dated 30.11.2018, the petitioners were declared proclaimed offenders. Learned counsel further submits that the procedure envisaged under Section 82 Cr.P.C. has not been followed by the trial Court while

passing the impugned order. He further submits that co-accused Harjeet

Singh had also approached this Court by way of CRM-M-24760-2020 and vide order dated 28.8.2020 (Annexure P-4), he was granted interim bail by the Co-ordinate Bench of this Court which was made absolute vide order dated 16.11.2020 (Annexure P-5), passed by this Court. Learned counsel for the petitioners submits that the petitioners are ready to surrender before the trial Court.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of the State.

I have heard the learned counsel for the parties.

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 petitioners to surrender before the trial Court within 10 days from today. On doing so, they shall be released on bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

December 15, 2020
Gurpreet

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