

**CRM-4466-2021 in/and
CRM-M-5019-2021**

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

**CRM-4466-2021 in/and
CRM-M-5019-2021
Date of decision: 22.02.2021**

Lal Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Veneet Sharma, Advocate,
for the applicant-petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-4466-2021

This is an application under Section 482 Cr.P.C. for early hearing of the main petition i.e. CRM-M-5019-2021, which is fixed for hearing on 15.03.2021.

Notice in the application.

On the asking of this Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State, and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and hearing in the main petition is preponed from 15.03.2021 to today, itself, and taken up on Board.

CRM-M-5019-2021

This petition is for quashing the impugned order dated

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30.11.2018 (Annexure P-3) passed by the learned Judicial Magistrate 1st Class, Patti, declaring the petitioner a proclaimed offender 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 petitioner submits that in the above noted FIR, the arrest warrants were issued against the petitioner 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 petitioner was declared a proclaimed offender. 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 had been made absolute vide order dated 16.11.2020 (Annexure P-5), passed by this Court. Learned counsel for the petitioner submits that the petitioner is ready to surrender before the trial Court.

Notice of motion.

On the asking of the Court, Mr.Ramandeep Sandhu, Sr. 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

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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.

22.02.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No