

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

CRM-M-15083-2021 (O&M)

Date of decision: 07.04.2021

Rohit @ Lotan

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Dhruv Sheoran, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for quashing the order dated 01.03.2021 passed by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, declaring the petitioner a proclaimed person in case FIR No. 321 dated 11.08.2018 registered under Sections 148, 149, 323, 307, 506 IPC and Section 25 of the Arms Act, 1959, at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner submits that the FIR was registered on 11.08.2018 and bail was granted to the petitioner on 17.11.2018 by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari. With the intervention of the respectables, an oral compromise has been effected between the petitioner and the complainant, thereafter, the petitioner went to

Mauritius and stuck there due to Covid-19. Later on, the petitioner came to know that he has been declared proclaimed person and returned back to India on 09.03.2021.

Learned counsel for the petitioner further submits that non-appearance of the petitioner before the trial Court was not intentional, earlier the petitioner was regularly appearing before the learned trial Court. The provisions of Section 82 Cr.P.C. have not been complied with. The petitioner is ready to surrender and face the trial.

Notice of motion.

On the asking of this Court, learned State counsel, accepts notice on behalf of the respondent-State.

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 judgments 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 two weeks from today and on his doing so, he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

07.04.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No