

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

CRM-M-14926-2021 (O&M)

Date of decision: 07.04.2021

Baljinder Bhatti

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. T.S. Attariwala, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition filed under Section 482 Cr.P.C. for quashing of the order dated 28.03.2016 (Anneuxre P-1) passed by the learned Judicial Magistrate 1st Class, Jalandhar, vide which the petitioner was declared as a proclaimed offender in case FIR No.15 dated 07.04.2015 (Annexure P-2) registered under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, at Police Station Lambra, District Jalandhar.

Learned counsel for the petitioner submits that the provisions of Section 82 Cr.P.C. have not been complied with. Moreover, the other co-accused have been acquitted of the charges by the Judicial Magistrate 1st Class, Jalandhar, vide judgment dated 15.10.2020 (Anneuxre P-3).

Learned counsel for the petitioner further submits that the petitioner is ready to surrender and face the trial. In support of his

contentions, he relies upon a judgment rendered by a Coordinate Bench in 'Anil Kumar Gupta Vs. State of Haryana and another (P & H): Law Finder Doc Id # 778090.

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.

However, the trial Court is also directed to make an endeavour to conclude the trial at the earliest.

(HARNARESH SINGH GILL)
JUDGE

07.04.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No