

CRM-M-5458-2019

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

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**CRM-47055-2023 in/and
CRM-M-5458-2019 (O & M)
Date of decision: 09.11.2023**

RAJA RAM

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Manish Kumar Singla, Advocate and
Mr. Parminder Singla, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

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1. This is an application under Section 482 Cr.P.C., seeking interim protection to the applicant-petitioner.
2. Counsel for the applicant-petitioner submits that the applicant wishes to face the consequences of trial after appearing before the trial Court and, therefore, it is appropriate to prepone the date of hearing in the main case itself.
3. Notice in the application to respondent No.1-State only, at this stage.
4. Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of respondent No.1-State, and submits that he has no objection, if the date of hearing in the main petition is preponed.
5. In view of the above, the main petition is preponed from

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01.12.2023 to today itself and taken on Board for hearing.

6. Disposed of.

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7. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 09.10.2014 (Annexure P-2) passed by Addl. Chief Judicial Magistrate, Fatehgarh Sahib, whereby the petitioner has been declared a proclaimed absconder in Complaint No.COMI/0400037/2010, titled as 'Lal Singh Vs. Darbara Singh and others'.

8. It is submitted by learned counsel for the petitioner that the respondent No.2 filed above-noted complaint against the petitioner and others wherein he had been summoned to face trial. However, the factum of summoning the petitioner was not in his knowledge on account of the fact that he was in U.S.A. for a long time. As a result thereof, the petitioner could not appear before the trial Court, following which he has been declared a proclaimed absconder. The petitioner has now returned to India. The petitioner has no intention to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

3. Counsel for the State 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.

5. 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

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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.

6. In view of the above, the order dated 09.10.2014 is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 24.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 24.11.2023, 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.

09.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No