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IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

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CRM M 9185-2023 (O&M)
DATE OF DECISION: 31.08.2023

*Ravinder Kaur**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Karan Garg, Advocate
for the applicant/petitioner

-.-

Rajbir Sehrawat, J. (Oral)CRM-20239-2023

Allowed as prayed for.

Main case

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 16.03.2019 passed by the SDJM, Moonak (Annexure P-2), whereby the petitioner has been declared as Proclaimed Offender in case FIR No. 70 dated 28.07.2015 registered under Sections 406, 420, 120-B of the Indian Penal Code at Police Station Lehra, District Sangrur.

Counsel for the petitioner submits that the petitioner has wrongly been declared as Proclaimed Offender vide order dated 16.03.2019 (Annexure P-2). The petitioner could not attend to the Court proceedings as during the course of enquiry, she was told that the police has not found anything against her and as such, no challan was filed against the petitioner.

There was no intentional absence from the Court proceedings by the petitioner. In any case, the petitioner undertakes not to absent from the Court proceedings any further.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent State. He submits that although the petitioner does not deserve the concession of bail because she has absconded from the process of law, however, the State has no objection if the petitioner appears before the trial Court.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain 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 arrest.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 14.09.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 14.09.2023, then she shall be released on bail on her furnishing bail bonds/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Rajbir Sehrawat)
Judge

August 31, 2023
mohan bimbura

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No