

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-18911-2023 (O&M)
Date of decision: 14.09.2023

Puneet Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dharam Bir Singh Bhargav, Advocate and
Mr. Kulwinder Bhargav, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 10.02.2023 (Annexure P-9) passed by the learned Additional Sessions Judge, Ambala, vide which the petitioner has been declared a proclaimed offender in the application under Section 319 Cr.P.C. in FIR No.216 dated 02.07.2019, registered at Police Station Naraingarh, District Ambala, under Sections 148, 149, 323, 302, 303, 506, 452, 120-B IPC and Section 25 of the Arms Act.

Reply by way of affidavit dated 13.09.2023 of the Deputy Superintendent of Police, Naraingarh, District Ambala, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was named as Prateek in the FIR; that during investigation 09 accused, including the

petitioner, were declared innocent, they were summoned under Section 319 Cr.P.C., and the anticipatory bail application of the petitioner was dismissed as proclamation proceedings were initiated against him and that the petitioner is ready to appear before the learned trial Court to face the trial.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and opposes the submissions made by the learned counsel for the petitioner.

I have heard the learned counsel for the parties.

It is a case, wherein, the petitioner is ready to appear before the learned trial Court.

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. The absence of the petitioner before the Court below appears to be non-intentional. If an accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Keeping in view the above fact, the order dated 10.02.2023 (Annexure P-9) passed by the learned Additional Sessions Judge, Ambala, vide which the petitioner has been declared a proclaimed offender in the application under Section 319 Cr.P.C. in FIR No.216 dated 02.07.2019, registered at Police Station Naraingarh, District Ambala, under Sections 148, 149, 323, 302, 303, 506, 452, 120-B IPC and Section 25 of the Arms Act, is quashed subject to him depositing the costs of Rs.20,000/- with the District

Legal Services Authority, Ambala. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

14.09.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No