

CRM-M-34148-2023

-1-

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34148-2023
Date of Decision: 31.07.2023

Sant Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of the impugned order dated 07.01.2004 passed by the Judicial Magistrate Ist Class, Jagraon (Annexure P-11), whereby the petitioner had been declared as proclaimed offender in case FIR No.58 dated 10.04.1999 registered under Sections 450, 455, 394, 397, 148 and 149 of the Indian Penal Code, 1860, (charges framed under Sections 452, 468, 427, 148 and 149 IPC), at Police Station Jagraon, District Ludhiana.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is pending since the year 1999. The petitioner had been regularly appearing before the Trial Court in the case till 19.01.2001. Thereafter, as a compromise had been effected between the parties and under the impression that the case might have been got decided being compromised, the petitioner went abroad. Due to his absence from the proceedings, his bail bonds/surety were cancelled by the Trial Court and proclamation under Section 82 Cr.P.C. was issued against the petitioner, vide order dated 18.09.2001. The

CRM-M-34148-2023

-2-

petitioner is not intending to run away from the process of the law. Rather, he intends to appear before the Trial Court and to continue to do the same. The petitioner undertakes not to absent again before the Trial Court.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State. He submits that although the petitioner had absconded from the process of law, however, at this stage, 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 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 arrested.

6. In view of the above, the impugned order dated 07.01.2004 is quashed and the present petition is allowed, subject to the petitioner appearing before the Trial Court on or before 24.08.2023. It is further directed that in case the petitioner so appears before the Trial Court on or before 24.08.2023 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.

(RAJBIR SEHRAWAT)
JUDGE

31.07.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No