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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 33629-2022

DATE OF DECISION: 04.07.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

**Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner**

-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 30.11.2015 passed by the SDJM, Sunam (Annexure P-5), whereby the petitioner has been declared as Proclaimed Offender in case FIR No. 13 dated 30.01.2014 registered under Sections 307, 341, 506, 148, 149, 201 of the Indian Penal Code and Sections 25 and 27 of the Arms Act at Police Station Sadar Sunam District Sangrur.

Counsel for the petitioner submits that the petitioner has wrongly been declared as Proclaimed Offender. He was granted anticipatory bail in this very case and thereafter, the petitioner had even joined the investigation. Subsequent thereto, the petitioner was never informed by the Investigating Officer or by the Court concerned that the challan was being filed against him. Moreso, the petitioner had even been appearing in another Court in the same Court Complex even after being

declared as Proclaimed Offender. Therefore, 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 he had earlier 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 24.07.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 24.07.2023, then he shall be released on bail on his furnishing bail bounds/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Rajbir Sehrawat)
Judge

July 04, 2023

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No