

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

CRM-M-42375-2023

Date of Decision: 25.08.2023

Ravinderpal Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Nikhil Ghai, Advocate, and
Mr. Shubham Mangla, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the impugned order dated 28.05.2018 passed by the Sub Divisional Judicial Magistrate, Dhuri, whereby the petitioner has been declared as a proclaimed person in case FIR No.166 dated 03.12.2015, registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860, at Police Station City Dhuri, District Sangrur.

2. It is submitted by the learned counsel for the petitioner that during the proceedings, the notice issued to the petitioner was sent on a wrong address. Therefore, he was not aware of the proceedings against him pending before the Trial Court. As a result thereof, the petitioner could not appear and the Trial Court, vide order dated 28.05.2018, has declared the petitioner as a proclaimed person. The absence of the petitioner from the court proceedings was not intentional. The petitioner is not intending to avoid the process of Court. Rather, he undertakes to appear before the Trial Court regularly. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. 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 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 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 present petition is allowed and the impugned order dated 28.05.2018 passed by the Sub Divisional Judicial Magistrate, Dhuri, is quashed, subject to the petitioner appearing before the Trial Court on or before 20.09.2023. It is further directed that in case the petitioner so appears before the Trial Court on or before 20.09.2023, 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 concerned.

(RAJBIR SEHRAWAT)
JUDGE

25.08.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No