

CRM-M-41719-2023
Date of Decision: 23.08.2023

Versus

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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 23.03.2015 passed by the Judicial Magistrate Ist Class, Batala, whereby the petitioner has been declared as a proclaimed person in case FIR No.96 dated 25.10.2004, registered under Sections 326, 323, 324, 148 and 149 of the Indian Penal Code, 1860, at Police Station Qadian, District Batala; along with certain other prayers.

2. Learned counsel for the petitioner has submitted that although, in the petition, the petitioner has made several prayers, however, the petitioner restricts his prayer only for quashing of the order dated 23.03.2015 passed by the Judicial Magistrate Ist Class, Batala, vide which, he was declared as a proclaimed person in the aforesaid FIR. Learned counsel further submits that during the investigation, the police have declared the

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petitioner to be innocent and thereafter, the petitioner left for Athens (Greece). Therefore, he was never aware of the proceedings against him pending before the Trial Court. 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 order dated 23.03.2015 passed by the court of Judicial Magistrate Ist Class, Batala, is quashed, subject to the petitioner appearing before the Trial Court on or before 11.09.2023. It is further directed that in case the petitioner so appears before the Trial Court on or before 11.09.2023, then he shall be

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released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. However, the petition qua other prayers is dismissed as not pressed, at this stage.

(RAJBIR SEHRAWAT)
JUDGE

23.08.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No