

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.48135 of 2023 (O&M)
DATE OF DECISION: 20th NOVEMBER, 2023

Parminder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Pankaj Kumar Kakkar, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing/setting aside the impugned order dated 16.03.2019 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Moonak, whereby the petitioner has been declared as proclaimed offender in case FIR No.70 dated 28.07.2015 registered under Sections 406, 420 and 120-B IPC at Police Station Lehra, District Sangrur, with certain other prayers made in the present petition.

2. It is submitted by learned counsel for the petitioner that the petitioner had gone Abroad before registration of the FIR. Although, he had come to India to appear before the Court in another case and he had, in fact, appeared before the Court in that case, however, he was not aware about the pendency of the present case, therefore, he could not appear before the trial Court in the present case. The petitioner is not intending to avoid the process of Court. The petitioner does not have any intention to run away from the process of the Court. Rather, he undertakes to appear before the trial Court regularly.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent/State.

5. Learned State counsel has submitted 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.

6. 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.

7. In view of the above, the order dated 16.03.2019 passed by the trial Court is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 12.12.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 12.12.2023 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.

20th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No