

CRM-M-48631-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48631-2023
Date of decision: 16.10.2023

JAGATPAL MAHAJAN

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dilpreet Singh Gandhi, 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 order dated 19.08.2023 passed by the Chief Judicial Magistrate, Gurdaspur, whereby the petitioner was declared a proclaimed person in complaint bearing No.COMA-180-2018, under Sections 26/27 read with Section 59 of the Food Safety and Standards Act, 2006.

2. It is submitted by learned counsel for the petitioner that the respondent No.2 filed above-noted complaint against the petitioner wherein he had been summoned to face trial, vide order dated 03.06.2019. However, the factum of summoning the petitioner was not in his knowledge. As a result thereof, the petitioner could not appear before the trial Court, following which he has been declared a proclaimed person. The petitioner has no intention to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

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3. Notice of motion.

4. Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of the respondents. 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 remains 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 order dated 19.08.2023 (Annexure P-4) is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 03.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 03.11.2023 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.

16.10.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No