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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-49776-2023 (O&M)****Date of decision: November 17, 2023**

Major Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**Present:-** Mr. Varun Sharma, Advocate for 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 11.05.2017 passed by the Judicial Magistrate Ist Class, Jalandhar, in case CHI-1718-2015 arising out of FIR No.144 dated 12.08.2015, registered under Sections 323, 506, 509, 34 of IPC, at Police Station Kartarpur, vide which, petitioner has been declared proclaimed offender.

2. It is submitted by the counsel for the petitioner that before the date fixed before the trial Court after filing of challan, petitioner had already gone abroad, and therefore, he could not appear. The petitioner is not intending to avoid the process of 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. 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.

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 order dated 11.05.2017 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 20.12.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 20.12.2023 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.

(RAJBIR SEHRAWAT)
JUDGE

November 17, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No