

CRM-M-50146-2023
Date of Decision: 09.10.2023

..... Petitioner

Versus

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amit Arora, 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 19.11.2022 passed by the Chief Judicial Magistrate, Tarn Taran, whereby the petitioner has been declared as a proclaimed offender in case FIR No.65 dated 13.09.2010, registered under Sections 307, 353, 186, 427 and 34 of the Indian Penal Code, 1860, at Police Station Sarai Amanat Khan, District Tarn Taran.

2. It is submitted by the learned counsel for the petitioner that the challan was presented in the aforesaid case on 14.09.2021 and notice to the petitioner was also issued for 30.09.2021. However, the petitioner could not appear before the trial Court on subsequent dates because he was admitted in the de-addiction centre from 17.09.2022 to 17.02.2023. As a result thereof, the petitioner has been declared proclaimed person, vide order dated

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19.11.2022. Learned counsel submits that 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, 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 19.11.2022 (Annexure P-3) passed by the Chief Judicial Magistrate, is quashed, subject to the petitioner appearing before the Trial Court on or before 17.10.2023. It is further directed that in case the petitioner so appear before the trial Court on or before 17.10.2023, then the petitioner shall be released on bail on his furnishing bail bonds/sureties to

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the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

09.10.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No