

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

125-1

CRM-M No.50899 of 2023 (O&M)
DATE OF DECISION: 10th OCTOBER, 2023

Rajinder Kumar @ Rajinder Hans @ RK

.... Petitioner

Versus

State of Punjab and another

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Manmeet Singh Rana, 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 of order dated 05.01.2019 (Annexure P-3) passed in CHI/1386/2014 passed by the Judicial Magistrate Ist Class, Jalandhar, vide which, the petitioner has been declared as proclaimed person in case FIR No.208 dated 05.08.2014 under Section 420 IPC registered at Police Station Rama Mandi, District Jalandhar City.

2. It is submitted by the counsel for the petitioner that the petitioner had been appearing before the trial Court in the case regularly. However, he could not appear before the trial Court on 05.01.2019 because in the meantime some more cases had been registered against him. Otherwise also, the main case had been settled by the parties and the petition for quashing of FIR on the basis of compromise has already been

filed. 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 and Mr. Sunpreet Singh, Advocate, puts in appearance on behalf of respondent No.2. They submit 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 05.01.2019 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 30.10.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 30.10.2023 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.

10th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No