

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.53892-2022 (O&M)
Date of Decision: July 27, 2023

Vinod Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Shailender Singh Momi, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

CM-29936-2023

This application has been filed for placing on record copy of application for issuing arrest warrant dated 28.03.2001 as Annexure P-7 and exemption from filing certified copy thereof.

For the reasons mentioned in the application, the same is allowed. Annexure P-7 is taken on record. Exemption sought is granted.

Main case

The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 30.09.2002 (Annexure P-6) passed by the Chief Judicial Magistrate, Nawanshahr (SBS Nagar) in case FIR No.48, dated 17.03.2001 under Section 420, 120-B IPC registered at Police Station City Nawanshahr (SBS Nagar), whereby the petitioner has been declared as a proclaimed offender.

2. It has been submitted by counsel for the petitioner that the petitioner had gone to Dubai on a work visa. Therefore, he was not aware of the fact that he has been declared as proclaimed person. When the validity of the passport of the petitioner expired then he appeared before the passport authority for renewal of the same, then it was reported by the authorities that he has been declared proclaimed person. The default in appearance before the trial Court was not deliberate. Rather, he undertakes to appear before the trial Court regularly.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab with ASI Sohan Lal, P.S. City S.B.S. Nagar, accepts notice on behalf of the respondent/State and Mr. Rishab Dhiman, Advocate accepts notice on behalf of respondent No.2.

5. Learned State Counsel, being assisted by learned counsel for the complainant and being instructed by ASI Sohan Lal, 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.

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 30.09.2002 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 30.09.2023. It is

further directed that in case the petitioner so appears before the trial Court on or before 30.09.2023 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.

July 27, 2023

Ankur

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No