

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CRM-M No.56247 of 2023 (O&M)
DATE OF DECISION: 08th NOVEMBER, 2023

M/s DKS Incorporate and another

.... Petitioners

Versus

M/s Om Beej Bhandar through its Authorized Officer Sushil Kumar

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Abhishek Sindhu, Advocate,
for the petitioners.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of orders dated 16.10.2023 (Annexure P-5) and 31.07.2023 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Hisar, vide which, the petitioner No.2 was declared as proclaimed person and for quashing of all subsequent proceedings arising out therefrom, with certain other prayers made in the present petition.

2. It is submitted by the counsel for the petitioners that petitioner No.2 had been appearing before the trial Court in the case regularly. However, the petitioner No.2 could not appear before the trial Court on 16.10.2023 because on that day he met with an accident and he was advised rest by the treating doctor. The petitioner No.2 is not

intending to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

3. 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.

4. In view of the above, the orders dated 31.07.2023 (Annexure P-3) and 16.10.2023 (Annexure P-5) passed by the trial Court are quashed and the present petition is allowed, subject to petitioner No.2 appearing before the trial Court on or before 24.11.2023. It is further directed that in case the petitioner No.2 so appears before the trial Court on or before 24.11.2023 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.

08th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No