

CRM-M-57003-2023

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

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**CRM-M-57003-2023
Date of decision: 14.11.2023**

MONU KUMAR

...Petitioner

Versus

THE STATE OF U.T CHANDIGARH

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Harpreet S. Rakhra, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C., for quashing the order dated 13.10.2023 passed by Judicial Magistrate Ist Class, Chandigarh, whereby the petitioner has been declared a proclaimed person in FIR No.91 dated 28.08.2021, registered under Sections 13, 3 and 67 of the Punjab Gambling Act, 1867, at Police Station Sarangpur, District Chandigarh.

2. It is submitted by learned counsel for the petitioner that the petitioner was granted bail by the trial Court, however, he could not furnish the requisite sureties. Since the petitioner was not having the sureties, therefore, he could not appear before the trial Court. As a result, the petitioner has been declared a proclaimed person. However, the petitioner has now sufficient sureties to furnish before the trial Court. The petitioner has no intention to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

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3. Notice of motion.
4. On the asking of this Court, Mr. J.S.Toor, APP, U.T. Chandigarh, accepts notice on behalf of the respondent-U.T. Chandigarh. It is submitted by counsel for the U.T. Chandigarh that although the petitioner does not deserve the concession of bail because he had absconded from the process of law, however, the U.T.Chandigarh 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 remains 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 13.10.2023 is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 28.11.2023. It is further directed that in case, the petitioner so appears before the trial Court on or before 28.11.2023, 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.

14.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No