

2025.PHHC.021528



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

Sr. No.221

**CRM-M-32028-2022 (O&M)
Date of decision : 14.02.2025**

Rahul

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Fatehjeet Singh, Advocate with
Mr. Bhupinder Beniwal, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 10.05.2022 (Annexure P3) vide which the petitioner was declared as proclaimed offender in case FIR No.33 dated 17.03.2020 under Sections 363 & 366-A IPC, registered at Police Station Division No.7, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner is a labourer and he has been falsely implicated in this case. He was granted regular bail by the learned Addl. Sessions Judge, Jalandhar vide order dated 26.08.2020. He was regularly appearing before the trial Court, however, due to Covid-19 pandemic, the Courts were closed and the cases were being adjourned and the petitioner went back to his village and the trial Court has declared him as a proclaimed offender vide order dated 10.05.2022. He further submits that mandatory provisions of Section 82 of Cr.P.C. have not been complied with. The petitioner is ready to appear before the trial Court

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and abide by all the terms and conditions imposed upon him by the trial Court.

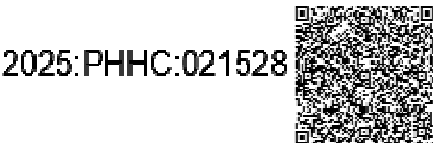
3. On the other hand, learned State counsel has opposed the prayer made and submits that the trial Court has rightly passed the order dated 10.05.2022.

4. Heard the rival submissions made by learned counsel for the parties.

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. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court. The petitioner is ready to appear before the trial Court and face the trial. This Court finds that no useful purpose will be served by sending the petitioner in custody when he is continuously appearing before the trial Court.

7. In view of the above, the present petition is allowed and order dated 10.05.2022 (Annexure P3) is hereby set aside **subject to payment of cost of Rs.20,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court concerned on the next date fixed and file



appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on furnishing his bail bonds/surety bonds to its satisfaction. No coercive action would be taken against the petitioner till the next date fixed. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

14.02.2025
Ramandeep Singh

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