

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.31609 of 2023 (O&M)
DATE OF DECISION: 05th JULY, 2023

Dalbir Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Shubham Mehta, Advocate for
Mr. Vivek Salathia, Advocate,
for the petitioner.

* * * *

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 01.06.2023 (Annexure P-7) passed by the Judicial Magistrate Ist Class, Amritsar, vide which, the petitioner has been declared proclaimed person in a criminal case arising out of FIR No.138 dated 01.06.2020 under Section 61/1/14 of Excise Act registered at Police Station Kathunangal, District Amritsar Rural.

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 27.10.2022. But, the petitioner had filed an application for exemption from personal appearance before the trial Court because of the unavoidable circumstances preventing him from appearing in the Court. But that

application was dismissed and the bail bonds/surety bonds of the petitioner were forfeited and thereafter warrants of arrest were issued and the proceedings for declaring the petitioner as proclaimed person were initiated. The proclamation was issued for appearance of the petitioner on 01.07.2023. However, even before that, the Court below has passed the order dated 01.06.2023 declaring the petitioner to be proclaimed person. 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. He on instructions from ASI Sukhwinder Singh, P.S. Kathu Nangal, Amritsar, 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.

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 present petition is allowed subject to the petitioner appearing before the trial Court on or before 24.07.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 24.07.2023 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.

05th JULY, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>