

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRM-M No.35079 of 2023

DATE OF DECISION : 21st JULY, 2023

Sumit Bedi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Maninder Arora, 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 17.08.2017 (Annexure P-1), whereby the petitioner has been declared as proclaimed person in case CHI No.76 of 21.01.2017 in FIR No.93 dated 27.03.2014 registered under Sections 419, 420, 467, 468, 471 & 120-B IPC at Police Station Civil Lines, District Amritsar.

2. It is contended by counsel for the petitioner that the petitioner is residing in Australia since 2014. However, the petitioner was declared as proclaimed person in the case mentioned above and the petitioner never came to know about the pendency of the case against her. After the proceedings of divorce of the petitioner with her husband were completed she came to know of the pendency of the above said case and on further enquiries; she also came to know that she had been declared as proclaimed person. The petitioner does not have intention to flee from the course of justice. She intends to appear before the trial

Court to face the proceedings in accordance with law. The only prayer is that the petitioner be protected against her arrest.

3. Notice of motion.
4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State. He submits that although the petitioner does not deserve the concession of bail because she 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 her sincere intention and desire to appear before the Court, then it would not be unjustified to protect her from being arrested.
6. In view of the above, order dated 17.08.2017 (Annexure P-1) is quashed and the present petition is allowed subject to the petitioner appearing before the trial Court on or before 29.08.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 29.08.2023 then she shall be released on bail on her furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

21st JULY, 2023

‘raj’

(RAJBIR SEHRAWAT)

JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No

RAJ KUMAR

2023.07.21 17:40

I attest to the accuracy and integrity of this document/judgment