

Sr. No.124

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

CRM-M-52802-2018

Date of decision:30.11.2018

Kuldeep Singh

.....Petitioner

versus

Jasmandeep Singh

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gourav Goel, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking quashing/setting aside the order dated 26.10.2018 passed by Additional Sessions Judge, Ludhiana whereby bail bonds & surety bonds of the petitioner has been cancelled and forfeited and petitioner has been summoned through non-bailable warrants.

Learned counsel for the petitioner contends that in this very case, earlier, the petitioner was granted bail pending trial by the Trial Court. Later although the petitioner was convicted, however, he has filed the appeal. During the pendency of the appeal also, the petitioner was granted bail by the lower Appellate Court. But, on one date i.e. 26.10.2019, the petitioner could not appear before the Court; because suddenly his son had fallen ill and the petitioner had to go to hospital. Consequently, the lower Appellate Court has cancelled the bail granted to the petitioner. On the same date, the petitioner had approached the lower Appellate Court alongwith the application of bail. However, lower Appellate Court observed, though

verbally, that since the order had already been passed and bail bonds had already been canceled, therefore, the same could not be restored. It is contended by the counsel for the petitioner that he has no intention to flee from the course of justice. He intends to appear before the lower Appellate Court now. The only prayer is that the petitioner be protected from the arrest.

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.

In view of the above, the present petition is allowed subject to the petitioner appearing before the lower Appellate Court on or before 10.12.2018. It is further directed that in case, the petitioner so appears before the lower Appellate Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the lower Appellate Court.

30th November, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*