

S.No.106

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

CRM-M-33222 of 2019 (O&M)

Date of Decision:17.08.2019

IshwarPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Naresh Dilawari, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of impugned order dated 29.05.2019 in case FIR No.242 dated 17.12.2017 registered under Sections 279, 427, 304A IPC at Police Station Civil Lines, Jind whereby bail bonds of petitioner/ accused have been cancelled and forfeited for non appearance of the petitioner.

It is contended by counsel for the petitioner that in this very case, the petitioner was granted regular bail by the trial Court. Thereafter, the petitioner was regularly appearing to face the proceedings. However, on 29.05.2019, the petitioner could not appear before the trial Court. As a result, bail granted to the petitioner has been cancelled and the warrants of arrest have been issued. However, it is submitted that absence of the petitioner before the trial Court was not intentional. Rather the absence had happened because the petitioner is working in a private company and in connection with his job, the petitioner had gone out of station, but he could not return on time. Therefore, the petitioner could not appear. Accordingly, it is submitted that absence of the petitioner from the Court was for the reasons beyond his control. The petitioner does not have any intention to

flee from course of justice. He intends to appear before the trial Court to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Manoj Kumar Sangwan, DAG, Haryana, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court to face further proceedings.

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 and the impugned order is quashed subject to the petitioner appearing before the trial Court on or before 20.08.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 20.08.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 17, 2019

renu

(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No