

**S.No.129**

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

**CRM-M-36993 of 2019 (O&M)**

**Date of Decision:03.09.2019**

**Danny .....Petitioner**

**Vs.**

**State of Punjab .....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Arjun Veer Sharma, Advocate for the petitioner.

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**Rajbir Sehrawat, J.(Oral)**

This is a petition for quashing of order dated 30.10.2018 passed by learned Judicial Magistrate Ist Class, Ludhiana whereby bail of the petitioner has been ordered to be cancelled and the bail/surety bonds have been ordered to be forfeited, in case CHI No.1694 of 2014 in FIR No.20 dated 08.02.2014 registered under Sections 323/325/34 IPC at Police Station Division No.7, Ludhiana.

It is contended by learned counsel for the petitioner that the petitioner was granted bail pending trial in this case. Thereafter, the petitioner was regularly appearing to face the proceedings before the trial Court. However, on 11.10.2018, the petitioner could not appear before the trial Court. Although the trial Court had been benevolent enough only to issue notice to the petitioner, requiring him to appear on the next date of hearing, which was fixed for 30.10.2018, but the date was not communicated by counsel for the petitioner to the petitioner. As a result, the petitioner could not appear before the trial Court on 30.10.2018. Resultantly, the bail granted to the petitioner was cancelled by the trial Court and subsequently, even the proclamation proceedings have been initiated against the petitioner. Still further, it is submitted that non-appearance of the petitioner before the trial Court was not intentional.

Rather, this has resulted due to negligence of counsel for the petitioner appearing before the trial Court. The petitioner has even initiated proceedings against his counsel for his deficiency in his professional duties. Still further, it is submitted that 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; as he was doing earlier. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. K.S. Aulakh, DAG, Punjab, 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 set aside subject to the petitioner appearing before the trial Court on or before 10.09.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 10.09.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

**September 03, 2019**  
**renu**

**( RAJBIR SEHRAWAT )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |