

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

CRM-M No.54209 of 2019 (O&M)
DATE OF DECISION : 18th DECEMBER, 2019

Harpreet Singh @ Raju

.... Petitioner

Versus

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)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 19.10.2019 (Annexure P-3) passed by Additional District and Sessions Judge, Ludhiana, whereby the bail order of the petitioner has been cancelled and the bail/surety bonds have been forfeited to the State in FIR No.45 dated 09.05.2017 registered under Sections 379 & 174-A of the IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Moti Nagar, Police Commissionerate Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that the impugned order has wrongly been passed against the petitioner. The petitioner was earlier released on bail in this matter. He was regularly appearing before the trial court. However on 19.10.2019 the petitioner could not appear before the court. Hence, the bail granted to the petitioner has been cancelled and warrants of arrest were issued for 06.12.2019. The petitioner could not appear even on 06.12.2019. Hence, the petitioner apprehends arrest on the basis of warrants issued by the court. However,

the absence of the petitioner from the court was not intentional. Rather, by inadvertent mistake, the petitioner has noted the date as 29.10.2019, instead of 19.10.2019. Hence, the petitioner could not appear on that date. However, the petitioner has no intention to flee from the course of justice. He intends to appear before the trial court and face the trial in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mrs. Amarjit Kaur Khurana, DAG, Punjab, Punjab accepts notice on behalf of the State. She submits that the State has no objection to the protection being given to the petitioner, subject to the condition that he will appear before the trial court.

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 trial Court on or before 8.01.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 8.01.2020 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

18TH DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No