

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

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IN VIRTUAL COURT

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1. CRM-M No. 18551 of 2020

Date of decision : 22.7.2020

Sandeep @ Padda

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM-M No. 19497 of 2020

Sandeep @ Padda

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Rosi, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

These are two petitions filed by the petitioner, seeking anticipatory bail through CRM-M No. 18551 of 2020 and challenging the order dated 31.1.2020 passed by the trial Court, through CRM-M No. 19497 of 2020, whereby the proceedings under Section 82 Cr.P.C. were ordered to be undertaken against the petitioner, in case of FIR No. 542 dated 9.10.2014, registered under Sections 148, 149, 323, 307 and 506 IPC and Section 25 of Arms Act, 1959, at Police Station Camp Palwal, District Palwal.

It is contended by the counsel for the petitioner that the petitioner was granted bail in this very case earlier. The petitioner was appearing before the trial Court to face the proceedings. However, on 23.10.2019, the father of the petitioner expired. Therefore, the petitioner could not appear before the

trial Court on 15.11.2019. As a result, the Court had cancelled the bail granted to the petitioner and ordered initiation of proceedings under Section 82 Cr.P.C. However, no final order declaring the petitioner as proclaimed person/offender has been passed so far. It is further submitted by the counsel for the petitioner that the petitioner has no intention to flee from the course of justice. He intends to appear before the trial Court, to face further proceedings; in accordance with law.

Notice of motion.

Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of the State.

It is contended by the counsel for the State that the petitioner absented himself from the proceedings before the trial Court. This has resulted in prolonging the trial unduly. It is further pointed out by the counsel for the State that the trial Court has already recorded that on some date either the accused did not appear or the witnesses had not appeared, as a result, the trial has been unduly delayed. However, the counsel for the State has no 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, both the petitions are allowed subject to the petitioner appearing before the trial Court within a period of 15 days from today.

It is further ordered that in case the petitioner so appears before the trial Court within the time mentioned above, then the petitioner shall be released on bail on his furnishing bail bonds/surety to the satisfaction of the trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

22.7.2020
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No