

CRM-M-36065-2020

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

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Date of decision:05.11.2020

Rajwinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No.64 dated 03.05.2017, registered at Police Station Bhawanigarh, District Sangrur, under Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner contends that the petitioner was regularly appearing before the trial Court, but it was only on 13.11.2019, when he could not appear before the trial Court on account of personal difficulty following which his bail had been cancelled and he had been ordered to be summoned through non-bailable warrant for 22.03.2020 i.e. the date when lock down was imposed in the country in a major attempt to contain the rapid spreading coronavirus outbreak. He further contends that vide order dated 27.03.2020 passed by the learned Additional Sessions

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Judge, Sangrur, the petitioner had been directed to surrender before the trial Court within 20 days from that day and in event of doing so, he had been ordered to be admitted to bail to the satisfaction of the trial Court/Duty Magistrate, failing which, the order would cease to have effect. He further submits that the petitioner could not furnish the bonds in pursuance of the order dated 27.03.2020 for want of *jamabandi* as the concerned office was also closed at that time. Thereafter, the petitioner became ill and his application for extension of time to surrender has been dismissed in a mechanical manner. He further contends that absence of the petitioner was not intentional.

Notice of motion.

On the asking of this Court, Mr. M.S.Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State and contests the present petition.

I have heard the learned counsel for the parties.

Admittedly, there is nothing on record to show that the petitioner became ill.

Moreover, 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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial

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Court within ten days from today and move an application seeking bail, subject to him depositing the costs of Rs.10,000/- with the Shri Guru Granth Sahib Sewa Society (Regd.), opposite New Public School, Sector-18, Chandigarh. On his doing so, the trial Court would decide the application within ten days thereafter.

05.11.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No