

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 164 of 2021
Date of Decision: 06.1.2021**

Surinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajat Garg, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for anticipatory bail in FIR No. 0116 dated 11.4.2018 under Section 354 IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (added subsequently), registered at Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that the petitioner was on regular bail under Section 354 IPC and thereafter Sections 8 and 12 of the POCSO Act, 2012 were added subsequently. He further submits that the petitioner had been regularly attending the Court proceedings for more than 15 times but due to Covid-19, he could not appear on 18.11.2020 and his bail bonds and surety bonds were cancelled and forfeited to the State by the trial Court and non-bailable warrants of arrest were issued. Learned counsel further submits that the petitioner is ready to surrender before the trial Court and will not remain absent from the Court proceedings in future.

Notice of motion.

On the asking of the Court, Saurav Khurana, DAG, Punjab accepts notice on behalf of the State.

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 Court within 10 days from today, subject to his depositing costs of Rs. 5,000/- with the the Poor Patient Welfare Fund, PGIMER, Chandigarh. On doing so, he shall be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

January 06, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No