

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

**133**

**CRM-M-10191-2021 (O&M)**

**Date of Decision: 04.03.2021**

**KULWINDER SINGH**

... Petitioner

Versus

**STATE OF PUNJAB AND ANOTHER**

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

**HARNARESH SINGH GILL, J.(Oral)**

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for setting aside the order dated 04.11.2019 (Annexure P-6), passed by Judicial Magistrate 1<sup>st</sup> Class, Patti, vide which the petitioner was declared as absconder in case bearing FIR No.78 dated 28.07.2010, registered under Sections 420, 467, 468, 471, 120-B, 201 IPC, at Police Station Bhikhiwind, District Taran Tarn.

Learned counsel for the petitioner states that the petitioner-Kulwinder Singh was regularly appearing before the trial Court but on 29.08.2019, the application seeking exemption of his personal appearance was declined and the bail bonds and surety bonds were cancelled and forfeited to the State yet the order granting him bail remains intact till date.

Learned counsel for the petitioner further submits that the petitioner also filed an application for anticipatory bail before the Ld. Sessions Judge, which was dismissed as rendered infructuous holding that bail orders were intact. He further submits that the petitioner is ready to appear before the trial Court.

Notice of motion to respondent No.1-State only.

On asking of this Court, Mr. Saurav Khurana, DAG Punjab accepts notice on behalf of the respondent-State only.

I have heard learned counsel for the parties.

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.

Keeping in view the above, the petition is allowed. Order dated 04.11.2019 (Annexure P-6), passed by Judicial Magistrate 1<sup>st</sup> Class, Patti, is set aside subject to the petitioner paying Rs.10,000/- to respondent No.2/complainant-Deep Singh, before the trial Court.

The petitioner is further directed to appear before the trial Court within 15 days from today and on his doing so, he shall be released on bail subject to furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**04.03.2021**

*Aman Jain*

**(HARNARESH SINGH GILL)**

**JUDGE**

*Whether speaking/reasoned*

: *Yes/No*

*Whether reportable*

: *Yes/No*