

CRM-M-16396-2021

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

CRM-M-16396-2021

Date of decision: 12.04.2021

Jaswinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Harmanjit Singh Thiara, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Challenge in the present petition is to the order dated 10.03.2021 (Annexure P-2) passed by the learned Additional Sessions Judge-VI, Jalandhar, in case bearing FIR No.45 dated 20.06.2015, under Section 420 IPC and Sections 8 and 9 of the Prevention of Corruption Act, 1988, registered at Police Station Division No.6, Jalandhar, District Jalandhar City, vide which bail and surety bonds of the petitioner, have been cancelled and he has been ordered to be summoned through non-bailable warrant. Challenge is also to the orders dated 18.03.2021 and 24.03.2021, vide which fresh warrants of arrest have been issued against the petitioner.

Learned counsel for the petitioner contends that the petitioner was granted regular bail on 01.09.2016 and since then, he had regularly been appearing before the trial Court. The petitioner had wrongly noted

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down the date, as 30.03.2021 instead of 10.03.2021 and for this reason, he could not appear before the trial Court on the relevant date i.e. 10.03.2021. The trial is going on before the Court at Jalandhar, whereas the petitioner is residing in Amritsar, District. It is also stated that non-appearance of the petitioner before the trial Court on 10.03.2021, was not intentional.

Notice of motion.

On the asking of this Court, Mr. Sandeep Vermani, Addl. A.G. Punjab, accepts notice on behalf of the respondent-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 judgments 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 two weeks from today and on his doing so, he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

12.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No