

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

CRM-M-51703-2021(O&M)
Date of decision: 13.12.2021

Ranjit Singh @ Bhinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Arun Kaundal, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 222 dated 07.10.2019, registered under Section 61 of the Punjab Excise Act, 1914, at Police Station City South Moga, District Moga.

Learned counsel for the petitioner submits that in the present case, ad-interim anticipatory bail was granted to the petitioner by the learned trial Court vide order dated 16.10.2019; that the same was made absolute vide order dated 24.10.2019; that the petitioner had been regularly appearing before the learned trial Court; that on 30.07.2021, the Clerk of the learned counsel noted a wrong date i.e. 09.10.2021 instead of 09.09.2021 and conveyed the same to petitioner. It is, thus, contended that non-appearance

of the petitioner was neither intentional nor wilful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 09.09.2021, due to noting a wrong date and therefore, his non-appearance on the said date was unintentional.

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.

In view of the above, 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 20.12.2021 and he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

13.12.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No