

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

CRM-M-52007-2021

Date of decision: 14.12.2021

Vakeel Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naveen Sharma, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek anticipatory bail in cross-case registered vide DDR No.19 dated 11.06.2017, under Sections 323, 324, 506, 148 and 149 IPC (challan presented under Sections 326, 324, 323, 506, 148 and 149 IPC), at Police Station Nandgarh, in case bearing FIR No.50 dated 11.06.2017, registered under Sections 323, 452, 427, 148 and 149 IPC (challan presented under Sections 323, 452, 427, 148 and 149 IPC) at Police Station Nandgarh, District Bathinda.

Learned counsel for the petitioners contends that it is a case of version and cross-version; that the present cross-case is a counter-blast to the FIR lodged by the petitioners' side; that the charges were framed on 31.07.2018; that the petitioners had been regularly appearing before the trial Court, but somehow could not appear before it on 02.11.2021 following which their bail was cancelled and non-bailable warrants had been issued against them; that the absence of the petitioners was not intentional and rather it was due to the reason that they had wrongly noted down the date of hearing, as 02.12.2021 instead of 02.11.2021, and that the petitioners are now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Harpreet Singh Multani, AAG, Punjab, accepts notice on behalf of the respondent-State and opposes the submissions made by the learned counsel for the petitioners.

I have heard the 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 judgments. The absence of the petitioners before the Court below appears to be non-intentional. If an accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

The petitioners absented themselves from the court proceedings on 02.11.2021. They are now not required for any investigation or interrogation purposes and rather, they are only to face the trial. Therefore, no useful purpose would be served by sending the petitioners to custody.

Keeping in view the above facts, but without commenting upon the merits of the case, the petitioners are directed to surrender before the trial Court/Duty Magistrate within ten days from today. On their doing so, they shall be released on anticipatory bail, subject to them furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

14.12.2021

parveen kumar

Whether reasoned/speaking?

Whether reportable?

(HARNARESH SINGH GILL)

JUDGE

Yes/No

Yes/No