

CRM-M-461-2022

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

CRM-M-461-2022

Date of decision: 10.01.2022

Raminder Singh @ Meter

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aashish Bishnoi, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.67 dated 31.05.2017, registered at Police Station Sudhar, District Ludhiana Rural, under Sections 399 and 402 IPC.

Learned counsel for the petitioner contends that vide order dated 04.08.2017 passed by the learned Addl. Sessions Judge, Ludhiana, the petitioner had been granted the benefit of regular bail; that the petitioner had been appearing before the trial Court; that the trial Court had adjourned the case from time to time; that even at one stage i.e. on 15.07.2021, personal appearance of the petitioner was exempted by the trial Court; that on 26.08.2021, due to non-appearance of the petitioner before the trial Court, notice was ordered to be issued to him; that on 16.09.2021, the petitioner could not be served and non-bailable warrant was issued

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against him; that absence of the petitioner before the trial Court was not intentional and rather, was for the reason that he had a confusion about the closing of the trial Court due to Covid-19, and that the petitioner is 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 submits that the trial Court has rightly issued non-bailable warrant against the petitioner.

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 as are passed qua him. The absence of the petitioner before the Court below appears to be non-intentional. If the accused shows his sincere intention and desire to appear before the Court, then it would be justified to protect him from being arrested.

The petitioner absented himself from the court proceedings. He is now not required for any investigation or interrogation purposes and rather, he is only to face the trial. Therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the above fact, but without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is directed to surrender before the trial Court/Duty Magistrate, within 10 days from today. On his doing so, the petitioner shall be released

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on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

10.01.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No