

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

CRM-M-11267-2022
Date of decision: 25.03.2022

Subhash Chand

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aditya Yadav, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the orders dated 16.09.2021 (Annexure P-5) and 13.01.2022 (Annexure P-6), vide which surety bonds were forfeited and proclamation proceedings initiated against the petitioner, respectively.

Learned counsel for the petitioner contends that on 05.03.2021, the petitioner was granted bail and the case was adjourned to 05.05.2021; that on 05.05.2021, the case was adjourned to 11.06.2021 due to Covid-19; that however, on 31.05.2021, owing to summer vacations, the case was taken up and was further adjourned to 16.09.2021 without any intimation to the petitioner; that because of the aforesaid reason, the petitioner could not appear on 16.09.2021, following which his bail was cancelled and the surety bonds were forfeited to the State and warrants of arrest issued against him and that on 13.01.2022,

proclamation proceedings under Section 82 Cr.P.C. were initiated against the petitioner.

Learned State counsel, on instructions from ASI Babu Lal, submits that the petitioner has not been declared a proclaimed offender so far.

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 disposed of with a direction to the petitioner to surrender before the trial Court/Duty Magistrate, within 10 days from today. On his doing so, the petitioner shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

25.03.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No