

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

CRM-M-11986-2022 (O&M)

Date of decision: 08.04.2022

Deepak Saini

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjeev K. Virk, Advocate and
Mr. Navraj Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petitioner, the petitioner prays for setting aside the order dated 18.01.2022 passed in case No. CS/169/2021 along with all the proceedings arising therefrom, in case bearing FIR No. 143 dated 27.05.2020, registered under Sections 379-B IPC read with Section 34 IPC, at Police Station Division No. 8, Jalandhar, District Jalandhar, vide which non-bailable warrants were issued against the petitioner, in pursuance of notice dated 24.11.2021.

Learned counsel for the petitioner contends that the petitioner was released on bail in the aforementioned FIR and thereafter, he has been regularly appearing before the trial Court, but somehow he could not appear before it on 24.11.2021, as he was suffering from viral fever as would depicted from the Doctor's prescription slip (Annexure P-2) and he was advised rest for 10 days from 22.11.2021 to 30.11.2021, following which his

bail was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants had been issued against him; that absence of the petitioner was not intentional and rather it was due to his ill-health; that till date, the proclamation proceedings have not been initiated against him, and that the petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the respondent-State and opposes the submissions made by the learned counsel for 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. The absence of the petitioner 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 petitioner absented himself from the court proceedings on 24.11.2021. 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, subject to him depositing the costs of Rs.10,000/-

with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. 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.

08.04.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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