

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

CRM-M-13689-2022

Date of decision: 01.04.2022

Bachittar Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.P.S.Sidhu, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.51 dated 24.04.2019, registered at Police Station Kot Ise Khan, District Moga, under Sections 341, 323, 506, 148 and 149 IPC (Section 307 IPC added later on) and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that vide order dated 05.12.2019 passed by the learned Sessions Judge, Moga, the petitioner was released on anticipatory bail; that the petitioner had been regularly appearing before the trial Court, but somehow could not appear before it on 10.03.2022 following which his bail was cancelled and warrants of arrest had been issued against him; that the absence of the petitioner was not intentional and rather it was due to the reason that he had noted down a wrong date, 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 10.03.2022. 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 facts, but without commenting upon the merits of the case, the petitioner is directed to surrender before the trial Court/Duty Magistrate within ten days from today. On his doing so, he shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

01.04.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No