

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

107

CRM-M-20802-2022 (O&M)

Date of Decision: 16.05.2022

PARUL @ PARUL YADAV AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in case bearing FIR No.139 dated 30.07.2020, registered under Sections 380, 120-B IPC, at Police Station Garhshankar, District Hoshiarpur and for quashing the PO proceedings initiated against the petitioners.

Learned counsel for the petitioners submits that petitioner No.1 is a Law student, whose marriage was solemnized with Inderjit Rana on 03/04.07.2020; that due to temperamental differences, petitioner No.1 left her matrimonial home on 08.07.2020; that initially, on 28.08.2020, the petitioners were granted the concession of regular bail by the learned Sessions Judge, Hoshiarpur and that due to Covid-19 pandemic, the personal appearance of the petitioners were exempted. He further submits that on 03.03.2020, the learned trial Court, without following the due procedure of law, has issued the proclamation warrants against the petitioners and that the petitioners have not been declared as

proclaimed persons/offenders till date. Still further, it is submitted that the petitioners have never been served with the notices as they both are the residents of State of Rajasthan. He further submits that the petitioners are again ready and willing to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG, Punjab and Dr. Naresh Kaushik, Advocate for the complainant, accept notice.

Learned counsel for the complainant submits that the petitioners, despite issuance of repeated notices and in order to delay the proceedings, have intentionally not appeared before the learned trial Court and that on three dates, the presence of the petitioners could not be procured.

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.

Though the petitioners absented themselves from the Court proceedings, yet the fact remains that 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 fact, but without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the petitioners to surrender before the trial Court/Duty Magistrate, within 15 days from today and on their doing so, they shall be released on bail, subject to their furnishing the fresh bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate.

16.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No