

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

CRM-M-24412-2022 (O&M)
Date of decision: 01.06.2022

Sahil @ Sukh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 24.11.2021 (Annexure P-3) passed by the learned Additional Sessions Judge, Jalandhar, vide which the bail granted to the petitioner was cancelled and non-bailable warrants were issued against the petitioner and all the subsequent proceedings arising out therefrom, in case bearing FIR No. 143 dated 27.05.2020 registered under Sections 379-B, 411 IPC read with Section 34 IPC, at Police Station Divisions No. 8, Police Commissionerate Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that regular bail was granted to the petitioner on 11.11.2020; that the petitioner had been regularly appearing before the learned trial Court; that on 24.11.2021, he could not appear before the Court as he was suffering from various serious ailments and he also informed the Clerk of his counsel for filing an application for personal exemption, but somehow, same could not be filed and that accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants were issued against him. It is, thus, contended that non-appearance

of the petitioner was neither intentional nor willful, but for the reasons explained above.

Learned counsel for the petitioner submits that the petitioner is ready to appear before the learned trial Court and prays for issuance of direction to the learned trial Court to decide the application for bail of the petitioner within a stipulated period.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 24.11.2021, due to health problem, his non-appearance on the said date was unintentional.

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 the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, the present petition is disposed of with a direction to the petitioner to appear before the learned trial Court on 06.06.2022 and on his doing so, the learned trial Court would decide the application for bail preferred by the petitioner within three days, thereafter.

(HARNARESH SINGH GILL)
JUDGE

01.06.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No