

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

CRM-M-31141-2022 (O&M)

Date of decision: 20.07.2022

Vimal Kishore

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Anjali Sheoran, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks quashing of impugned order dated 11.07.2022 passed by the learned Judicial Magistrate 1st Class, Sonipat, vide which the bail granted to the petitioner was cancelled.

Learned counsel for the petitioner submits that the petitioner is suffering from leg injury due to which he was advised by the Doctor(s) to take rest. She does not dispute the fact that the application moved by the petitioner from 15.06.2019 to 05.07.2022 for exemption from personal appearance was allowed by the learned trial Court. On 11.07.2022, the petitioner also moved an application for exemption from personal appearance accompanied by the OPD slip dated 02.07.2022, as he was suffering from pain and stiffness in both the legs and it was difficult for him to walk. As no specific report of the Doctor was placed before the learned trial Court, his application for exemption from personal appearance was dismissed by the

learned trial Court, following which after cancellation of his bail, bail bonds and surety bonds were forfeited to the State and warrants of arrest were issued against him. Non-appearance of the petitioner on 11.07.2022 was unintentional.

Learned counsel for the petitioner has also drawn the attention of this Court towards the photographs indicating the injury on the left leg of the petitioner and submits that the petitioner is ready to appear before the learned trial Court.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. AG Haryana, accepts notice on behalf of respondent-State.

I have heard the learned counsel for the parties and have also gone through the paper-book.

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 petitioner absented himself from the court proceedings, yet 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, on 21.07.2022, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, Sonipat. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

20.07.2022
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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