

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

CRM-M-33205-2022 (O&M)

Date of decision: 01.08.2022

Jasvir Singh @ Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Chandan Singh Rana, Advocate and
Ms. Himani Pathania, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks quashing of impugned order dated 07.04.2022 passed by the learned Judge, Special Court, Ludhiana, vide which the bail granted to the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants of arrest were issued against him.

Learned counsel for the petitioner submits that the regular bail was granted to the petitioner by the learned trial Court on 20.08.2018 and after that he was regularly appearing before the Court, but as he noted wrong dated i.e. 17.05.2022 instead of 07.04.2022, he could not appear on 07.04.2022, following which after cancellation of his bail, bail bonds and surety bonds were forfeited to the State and non-bailable warrants of arrest were issued against him. Moreover, in those days, the Courts were working in restricted manner because of Covid-19 pandemic spread. Non-appearance of the petitioner on 07.04.2022 was unintentional.

Notice of motion.

On the asking of this Court, learned State, 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, within 10 days from today, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, Ludhiana. 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.

01.08.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No