

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

CRM-M-33592-2022

Date of decision: 01.08.2022

G.R.@ Gurcharan Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.18 dated 16.01.2021, registered at Police Station B-Division, under Sections 307, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that vide order dated 15.07.2021 passed by learned Addl. Sessions Judge, Amritsar, the petitioner had been granted the benefit of regular bail; that the petitioner had been regularly appearing before the trial Court; that however, the petitioner could not appear before the trial Court on 05.05.2022 for the reason that he had wrongly noted down the date, as 25.05.2022, instead of 05.05.2022; that due to non-appearance of the petitioner, his bail was cancelled and warrant of arrest was issued against him; that the petitioner has never been declared a proclaimed offender in the present case; that absence of the petitioner before the trial Court was not intentional and rather was for the reason that a wrong date had been noted down, and that the petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State, and submits that the trial Court has rightly issued warrant of arrest against 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 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.

The petitioner absented himself from the court proceedings. 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 facts and circumstances of the present case, but without going into the merits of the case, the present petition is allowed and the petitioner is directed 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, Amritsar. On his doing so, the petitioner shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

01.08.2022

parveen kumar

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No

(HARNARESH SINGH GILL)

JUDGE