

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

**CRM-M-37281-2022 (O&M)
Date of decision: 23.08.2022**

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petition, the petitioner seeks anticipatory bail in case bearing FIR No. 256 dated 21.09.2016 registered under Sections 420 and 120-B IPC, at Police Station City Khanna, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the FIR was registered against the petitioner as he had signed the agreement to sell being grandson of co-accused Chhota Singh and after presentation of the Challan, the petitioner was granted regular bail vide order dated 03.03.2020 passed by the learned trial Court and thereafter, the petitioner was regularly appearing before the Court. It is further submits that because of his ill-health, the petitioner could not appear before the Court on 04.07.2022 and accordingly, his surety/bail bonds were cancelled and forfeited to the State and non-bailable warrants of arrest were issued against him. The medical prescription slip dated 04.07.2022 is at Annexure P-4.

He further submits that non-appearance of the petitioner on 04.07.2022 was not intentional; that the petitioner has not been declared a

proclaimed offender till date and that the petitioner is ready to appear before the learned trial Court.

Notice of motion.

On the asking of this Court, Mr. Subhash Godara, Addl. A.G. Punjab, accepts notice on behalf of the respondent-State.

It is a case, wherein the petitioner had been regularly appearing before the Court, but only on a solitary date i.e. 04.07.2022, he could not appear before the trial Court because of his ill-health. The non-appearance of the petitioner appears to be not intentional.

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.

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.20,000/- 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.

(HARNARESH SINGH GILL)
JUDGE

23.08.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No