

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

106

CRM-M-44628-2022 (O&M)

Date of Decision: 29.09.2022

MANPRITPAL SINGH@PRETTY@BRETTY

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Amarinder Kaur, Advocate for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.260 dated 09.10.2019, registered under Sections 307, 323, 506, 148, 149 and 120-B IPC and Sections 25 and 27 of Arms Act, at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by this Court on 17.11.2020 and he was regularly appearing before the trial Court; that the petitioner is suffering from Acute Pancreatitis and was admitted in Deep Hospital, Model Town, Ludhiana from 21.03.2022 till 08.04.2022; that thereafter, the health of the petitioner further deteriorated and he was referred to PGIMER, Chandigarh where he remained admitted from 23.04.2022 to 28.05.2022; that owing to his ill-health, the petitioner could not appear before the trial Court on 29.07.2022 and accordingly, non-bailable warrants against the accused-petitioner has been issued for 24.08.2022. It is, thus, contended that non-appearance of the petitioner was neither intentional nor wilful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, Mr. Joginder Pal Ratra, Sr.

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. 29.07.2022, due to his ill-health and therefore, 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.

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 one month from today, subject to him depositing the costs of Rs.15,000/- with the concerned District Legal Services Authority. 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.

29.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*