

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

**CRM-M-46006-2022 (O&M)
Date of decision: 10.10.2022**

Shailender @ Salender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Sharma, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petitioner, the petitioner prays for quashing of the orders dated 16.08.2022 and 20.09.2022 passed by the learned Additional Sessions Judge, Rewari, in SC-277-2019, in case bearing FIR No. 141 dated 13.05.2019, registered under Sections 341, 365, 379-B, 420 IPC read with Section 34 IPC, at Police Station Kasola, District Rewari.

Learned counsel for the petitioner contends that the petitioner was released on bail in the aforementioned FIR and thereafter, he has been regularly appearing before the trial Court, but somehow he could not appear before it on 13.08.2022 due to his ill-health as would depicted from the Doctor's prescription slip (Annexure P-4) and he was advised rest for 05 days, following which his bail was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against him on 16.08.2022 and thereafter, on 20.09.2022 publication of proclamation against the petitioner was issued for 04.11.2022; that absence of the petitioner was not intentional and rather it was due to his ill-health; that till date, the

petitioner has not been declared a proclaimed offender and that the petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, learned State counsel, accepts notice and opposes the submissions made by the learned counsel for 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. The absence of the petitioner before the Court below appears to be non-intentional. If an accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

The petitioner absented himself from the court proceedings on 13.08.2022. 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 15 days from today, subject to him depositing the costs of Rs.15,000/- with the District Legal Services Authority, Rewari. 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.

10.10.2022

(HARNARESH SINGH GILL)

Mangal Singh

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No