

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

CRM-M-46564-2022

Date of decision: 11.10.2022

Harish Kumar @ Rishu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kuldip Singh, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.135 dated 20.08.2021, registered at Police Station Sadar Ferozepur, District Ferozepur, under Sections 399 and 402 IPC.

Learned counsel for the petitioner contends that vide order dated 20.12.2021 passed by learned Addl. Sessions Judge, Ferozepur, the petitioner had been granted the benefit of regular bail; that the petitioner had been regularly appearing before the trial Court; that on 04.07.2022, the petitioner could not appear before the trial Court following which his bail was cancelled and his bonds had been forfeited to the State, and that absence of the petitioner before the trial Court was not intentional and rather for the reason that in the last week of June, 2022, he went to a Holy Shrine to pay obeisance where he fell down and received injuries. He further submits that vide order dated 24.08.2022, proclamation under Section 82 Cr.P.C., had been issued against the petitioner, but till date, the petitioner has not been declared a proclaimed offender. The petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, 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. As stated above, the petitioner has not been declared a proclaimed offender. 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.15,000/- with the District Legal Services Authority, Ferozepur. 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.

11.10.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No