

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

CRM-M-46947-2022

Date of decision: 14.10.2022

Gurlal Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Gupta, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 20.09.2022 (Annexure P-3) passed by learned Addl. Sessions Judge, Tarn Taran, in case bearing FIR No.230 dated 01.12.2018, registered at Police Station Sadar Patti, District Tarn Taran, under Sections 307/34 IPC and Sections 25 and 27 of the Arms Act, 1959, whereby bail of the petitioner has been cancelled and warrant of arrest issued against him.

Learned counsel for the petitioner contends that after having been granted bail by learned Addl. Sessions Judge, Tarn Taran, on 04.01.2019, the petitioner had been regularly appearing before the trial Court; that however on 20.09.2022, the petitioner could not appear before the trial Court for the reason that he had wrongly noted down the date, as 30.09.2022, instead of 20.09.2022; that even the application seeking exemption from his personal appearance was also rejected by the trial Court, and that due to non-appearance of the petitioner, his bail had been cancelled and warrant of arrest issued against him.

Learned counsel further contends that absence of the petitioner before the trial Court was not intentional and rather 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. Joginder Pal Ratra, Sr. DAG, 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 an 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 behind the bars.

Keeping in view the above fact, the impugned order dated 20.09.2022 (Annexure P-3) is set aside and the petitioner is directed to surrender before the trial Court/Duty Magistrate, on 31.10.2022 i.e. the already fixed before the trial Court, subject to him depositing the costs of Rs.15,000/- with the District Legal Services Authority, Tarn Taran. 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.

Disposed of.

14.10.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No