IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54579-2021 (O&M)
Date of decision: 05.01.2022

Chander Mohan @ Bhola ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

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HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 45 dated 11.07.2020, registered under Sections 420, 465, 467, 468, 471, 201, 120-B IPC, at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner submits that earlier, regular bail was granted to the petitioner vide order 15.03.2021 passed by this Court. And the petitioner was regularly appearing before the learned trial Court. But on 16.11.2021, he could not appear before the Court as he was suffering from high fever and was not in a position to travel from Tehsil Samana, District Patiala to District Faridkot and was declared absent without intimation due to unavoidable circumstances, which were beyond his control. Ultimately, on 16.11.2021, the bail/surety bonds were forfeited to the State and non-bailable warrants were issued against him for 07.01.2022. It is, thus, contended that

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non-appearance of the petitioner was neither intentional nor wilful, but for the reasons explained above.

He further submits that the petitioner is ready to appear before the learned trial Court. As far as other cases are concerned, the petitioner is on bail.

Notice of motion.

On the asking of this Court, Mr. H.S. Multani, AAG Punjab, accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the learned trial Court, but he could not appear on a solitary date i.e. 16.11.2021, due to high fever 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.

In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court 07.01.2022 and he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

05.01.2022 **(HARNARESH SINGH GILL)**
JUDGE

Mangal Singh

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

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