

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-53509-2022
Date of Decision: 18.11.2022**

Sahil Mattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.L.M.Gulati, Advocate for the petitioner

Mr.Joginder Pal Ratra, Sr.DAG, Punjab

ASHOK KUMAR VERMA, J.

Through this petition under Section 438 of the Cr.P.C. petitioner has approached this Court for grant of anticipatory bail in case FIR No.67 dated 1.5.2018 under Sections 68-1-14 of the Excise Act, 1914, registered at Police Station "C" Division, District Amritsar.

Learned counsel for the petitioner submits that earlier the petitioner was granted the concession of regular bail and was regularly appearing before the trial court. However, on 7.5.2022, the petitioner could not appear before the trial court which resulted into cancellation of his bail and issuance of non-bailable warrants against him. Learned counsel submits that non-appearance of the petitioner on the aforesaid date was not deliberate and intention. In fact at that point of time, the petitioner was tested COVID positive and thereafter he could not be able to stabilize himself as his brain was adversely affected due to COVID.

Notice of motion.

On the asking of the Court, Mr.Joginder Pal Ratra, Sr.DAG, Punjab accepts notice on behalf of the respondent-State. He submits that the trial Court has rightly issued warrants of arrest against the petitioner.

I have heard learned counsel for the parties and gone through the paper-book.

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 trial court, then it would be justified to protect him from being arrested. Therefore, no useful purpose would be served by sending the petitioner to behind the bars.

Keeping in view the above fact, the petitioner is directed to surrender before the trial Court on within 10 days from today. On his doing so, the petitioner shall be released on bail, subject to his furnishing the fresh bail/surety bonds to the satisfaction of the trial Court and in case of failure to do so, the bail application shall be deemed to have been dismissed.

However, trial Court shall be at liberty to initiate separate proceedings against the petitioner under Section 446 Cr.P.C., if so required.

Disposed of.

(ASHOK KUMAR VERMA)
JUDGE

18.11.2022
MFK

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*