

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

**CRM-M-56233-2022 (O&M)
Date of decision: 05.12.2022**

Gopal Singh @ Gopal Singh Rana ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harjot Singh Bedi, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for grant of anticipatory bail to the petitioner in complaint case No. 90 of 2022 filed by the Mining Officer, Department of Mines and Geology, Haryana, under Sections 21(1) of the Mines and Mineral Act (Development & Regulation) Act, 1957 read with Section 104(iii) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

Learned counsel for the petitioner contends that the petitioner was released on bail in the aforementioned complaint case on 10.06.2022 and the case was adjourned to 20.08.2022, but on the said date, the petitioner could not appear, as he went on a religious pilgrimage and he also could not file the application for exemption; that due to his non-appearance on 20.08.2022, bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State and warrants of arrested were issued against him for 03.10.2022; that the absence of the petitioner was not intentional 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 20.08.2022 and the petitioner is ready to appear before the learned trial Court, 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, Panchkula. 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.

(HARNARESH SINGH GILL)
JUDGE

05.12.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No