

2023:PHHC:094346

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-. -

CRM M 20463-2023
Date of Decision 25.07.2023

Deepak Verma

.....Petitioner

versus

State of Punjab

...Respondent

Coram Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Balram Prashar, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, praying for setting aside order dated 08.12.2022 (Annexure P-5) passed by the Judicial Magistrate, First Class, Ludhiana, District Ludhiana in case FIR No. 19 dated 22.01.2022 registered under Sections 379 and 380 of the Indian Penal Code (Sections 381/457/120-B IPC added later on) at Police Station Moti Nagar, Ludhiana, District Police Commissionerate, Ludhiana (Annexure P1) whereby non-bailable warrants have been issued against the petitioner.

2. It is submitted by counsel for the petitioner that the petitioner was granted bail pending trial in this very case by the Court below. However, after presentation of the challan, the petitioner could not get the notice of the same and, therefore, he could not appear before the trial Court on 08.12.2022 and on the subsequent dates. As a result thereof, the petitioner has been declared as proclaimed person. The absence of the petitioner from the Court proceedings was not deliberated or intentional.

The petitioner does not flee from the course of justice. He undertakes to

appear before the Court regularly. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.
4. Mr. Sandeep Singh, Additional Advocate General, Punjab along with ASI Anil Kumar, P S Moti Nagar, Ludhiana accepts notice on behalf of the respondent State.
5. Counsel for the State submits that although the petitioner does not deserve the concession of bail because he had earlier absconded from the process of law, however, the State has no objection if the petitioner appears before the trial Court.
6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain present before the Court to receive the orders and punishments 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 arrest.
7. In view of the above, the present petition is allowed subject to the petitioner appearing before the Trial Court on or before 04.08.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 04.08.2023, the the petitioner shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/CJM/Duty Magistrate.

(Rajbir Sehrawat)
Judge

July 25, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No