

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-22140-2023 (O&M)
Date of decision: 04.07.2023

Raj Kumar

...Petitioner

Versus

Central Goods and Service Tax Division Rohtak

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shivansh Malik, Advocate for the petitioner.

Mr. Deepak Kakkar, Advocate for

Mr. Anshuman Chopra, Advocate, Sr. Standing Counsel for CGST.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the present petitioner in complaint case bearing No. COMA-13-2020 dated 04.06.2020 (Annexure P-1) filed by the complainant-respondent under Sections 8, 21(c), 25, 29, 65 of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner was granted bail by this Court vide order dated 12.05.2022 passed in CRM-M-52284-2021, but the same has been cancelled by the learned Additional Sessions Judge, Rohtak on account of unintentional non-appearance of the petitioner on 12.04.2023 before the learned trial Court and thus, he prays for grant of anticipatory bail to the petitioner. In support of his case, learned counsel for the petitioner relies upon judgment passed by a Coordinate Bench in CRM-M-21276-2018 titled as Davinder Singh @ Sonu Vs. State of Punjab, 2019 (1) RCR (Criminal) 661.

Learned counsel for the petitioner further submits that the petitioner could not appear on 12.04.2023, as Sumitra sister of his employer-Surender Singh, was to be operated on the said date, which is apparent from

the photocopy of indoor patient file (Annexure P-8) of Sumitra. He also undertakes that in future, the petitioner will not abstain from appearing before the learned trial Court.

Learned counsel appearing for the respondent submits that on 12.04.2023, the petitioner did not appear before the learned trial Court and neither any application for exemption was moved, nor the learned counsel representing him appeared before the learned trial Court, therefore, the petition is liable to be dismissed.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 12.04.2023, for the reasons mentioned above 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 within two weeks from today and on his doing so, he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

04.07.2023

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No