

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32077-2023 (O&M)
Date of decision: 06.07.2023

Jaspal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Alok Mittal, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks quashing of order dated 17.08.2022 (Annexure P-4) passed by the learned Additional Sessions Judge, Sangrur, vide which the bail granted to the petitioner was cancelled, his bail bonds/surety bonds were forfeited to the State and non-bailable warrants were issued against him, in case bearing FIR No. 291 dated 16.10.2020, registered under Section 420, 171, 395, 483, 342, 120-B, 419, 465, 467, 468, 471, 170, 201, 411 IPC and Sections 25, 27, 30 of the Arms Act, at Police Station Bhawanigarh, District Sangrur. Further prayer is for quashing of order dated 06.04.2023 (Annexure P-5) in which order of proclamation was issued against the petitioner.

Learned counsel for the petitioner submits that after granting the concession of bail, the petitioner had been regularly appearing before the learned trial Court; that on 17.08.2022, the petitioner could not appear before the Court due to miscommunication about the date with his learned counsel, accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants were issued. The petitioner is ready to appear before the learned trial Court. It is, thus, contended that non-appearance of the

petitioner was neither intentional nor willful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that the petitioner did not appear before the learned trial Court on 17.08.2022, therefore, the learned trial Court has rightly issued non-bailable warrants against him.

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. 17.08.2022, due to miscommunication about date with his learned counsel, his non-appearance on the said date was unintentional and he is ready to appear before the learned trial Court.

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, the order dated 17.08.2022 (Annexure P-4) passed by the learned Additional Sessions Judge, Sangrur, is quashed 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.

(HARNARESH SINGH GILL)
JUDGE

06.07.2023
Mangal Singh

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