

CRM-M-35087-2023

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103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35087-2023
Date of Decision: 21.07.2023

Monty

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. O.P.Kamboj, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.164 dated 09.12.2021 registered under Sections 399 and 402 of the Indian Penal Code, 1860, (Section 25 of the Arms Act was added later on), at Police Station Kulgari, District Ferozepur, as the petitioner was declared absent vide order dated 01.06.2023 before the trial Court and non-bailable warrants has been issued against the petitioner for 29.07.2023.

2. It is submitted by the counsel for the petitioner that in this very case, the petitioner was earlier granted bail pending trial. Thereafter, the petitioner had appeared before the Trial Court in due course. However, on 01.06.2023, the petitioner could not appear before the Trial Court on account of misconception regarding the date fixed before the Trial Court. Otherwise, the petitioner has no intention to run away from the process of the law. The petitioner intends to appear before the court below and to continue to do the

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same. The petitioner undertakes not to absent again before the Trial Court.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State. He submits that although the petitioner does not deserve the concession of bail because he had earlier absconded from the process of law, however, at this stage, the State has no objection if the petitioner appears before the Trial Court.

5. 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 arrested.

6. In view of the above, the present petition is allowed subject to the petitioner appearing before the Trial Court on 31.07.2023. It is further directed that in case the petitioner so appears before the Trial Court on 31.07.2023 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

21.07.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No