

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-35601-2023 (O&M)
Date of decision: 25.07.2023

SATPAL SINGH AND ANOTHER ...Petitioners

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurcharan Dass, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case bearing FIR No.47 dated 02.03.2017, registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, at Police Station Division No.5, District Ludhiana.

Learned counsel for the petitioners submits that the order dated 16.05.2023 passed by the learned Magistrate, itself shows that the petitioners were already on bail and has been representing by their counsel, whereas while on 14.06.2023, the exemption application on behalf of the petitioners was filed, they were ordered to be summoned through non-bailable warrants for 18.07.2023.

Notice of motion.

On the asking of this Court, Mr. C.L. Pawar, Addl. AG Punjab, accepts notice on behalf of the respondent-State and submits that both the petitioners remained absent from the Court on 14.06.2023 and the FIR in question, qua co-accused Tanuj Sharma has been quashed. No prescription of Doctor was attached with the exemption application.

I have heard the learned counsel for the parties and have also gone through the paper-book.

Perusal of case file would reveal that the petitioners were on bail and the application for exemption moved by their learned counsel was without any prescription of Doctor and therefore, non-bailable warrants were issued against them.

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.

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 petitioners to surrender before the trial Court/Duty Magistrate, within 15 days from today, subject to them depositing the costs of Rs.10,000/- with the District Legal Services Authority, Ludhiana. On their doing so, the petitioners shall be released on bail, subject to them furnishing the bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

25.07.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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