

CRM-M-38765-2023
Date of Decision: 08.08.2023

Versus

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the impugned order dated 10.04.2023 passed by the Additional Sessions Judge, Kurukshetra, in CRA/11/2023 titled as Bala Rani Vs. Sanjeev Bansal etc., whereby bail of the petitioner has been cancelled and bail/surety bonds of the petitioner has also been forfeited to the State.

2. It is submitted by the learned counsel for the petitioner that the lower Appellate Court had directed the petitioner to deposit the 20% of the compensation amount awarded by the Trial Court and a conditional order was passed qua suspension of sentence, subject to deposit of the above-said amount. However, the said amount could not be deposited by the petitioner in time because of unavoidable circumstances. Now, the petitioner is ready to deposit the said amount. The petitioner is not intending to avoid the

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process of law. Hence, the petitioner be granted some more time to deposit the above-said amount and the impugned order of cancellation of bail bonds/sureties and consequent thereof, issuance of non-bailable warrants be set aside and the petitioner be protected against his arrest.

3. Notice of motion.

4. Mr. K.K.Chahal, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State. He has submitted that the petitioner has already disobeyed the directions of the lower Appellate Court, therefore, the petitioner does not deserve any concession of bail. However, even then, the learned counsel for the State is not averse, if the petitioner deposits the afore-said amount now and submits to the process of the 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 and the impugned order dated 10.04.2023 passed by the court of Additional Sessions Judge, Kurukshetra, is set aside, subject to the petitioner depositing the 20% of the compensation amount, as ordered by the Court below, within a period of two weeks from today. Accordingly, it is ordered that if the petitioner deposits the above-said amount, then he shall be released on bail on the

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same bail bonds/sureties, which were earlier furnished by him, to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

08.08.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No