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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M 39880-2023
DATE OF DECISION: 16.08.2023*Sunil Jaiswal**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Punit Malik, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned orders dated 16.08.2019 (Annexure P-2) and 20.04.2023 (Annexure P-4), passed by the trial Court, whereby bail of the petitioner has been cancelled, bail bonds have been forfeited to the State and warrants of arrest has been issued against the petitioner in case FIR No. 34 dated 30.01.2015, registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Sector 56, Gurugram.

Counsel for the petitioner submits that the petitioner could not appear before the trial Court, *firstly*, on account of COVID 2019 Pandemic and *secondly*, because of recurring heart problems resulting into the right side partial paralysis. Even otherwise also, there was no intentional absence

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from the Court proceedings by the petitioner. In any case, the petitioner undertakes not to absent from the Court proceedings any further.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent State. He submits that although the petitioner does not deserve the concession of bail because he had absconded from the process of law, however, the State has no objection if the petitioner appears before the trial Court.

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 arrest.

In view of the above, the present petition is allowed and the impugned orders dated 16.08.2019 (Annexure P-2) and 20.04.2023 (Annexure P-4) are quashed subject to the petitioner appearing before the trial Court on or before 31.08.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 31.08.2023, then he shall be released on bail on his furnishing bail bounds/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Rajbir Sehrawat)
Judge

August 16, 2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No