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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M 39433-2023

DATE OF DECISION: 16.08.2023

*Lovepreet Singh**.....Petitioner**Versus**State of Punjab and another**.....Respondents***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Ms Sarika Gupta, 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 28.04.2023 (Annexure P-3) and 05.07.2023 (Annexure P-4), passed by the JMIC Dasuya, District Hoshiarpur, whereby non-bailable warrant has been issued against the petitioner and he has been summoned by way of proclamation to appear in the trial Court on 30.08.2023 in case FIR No. 149 dated 13.08.2009, registered under Sections 406 and 420 of the Indian Penal Code at Police Station Tanda, District Hoshiarpur.

Counsel for the petitioner submits that the petitioner could not appear before the trial Court because he was out of country at the relevant time. Otherwise, there was no intentional absence 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. Sandeep Singh, 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 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 28.04.2023 (Annexure P-3) and 05.07.2023 (Annexure P-4) passed by the JMIC Dasuya, District Hoshiarpur, are quashed subject to the petitioner appearing before the trial Court on or before 30.08.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 30.08.2023, 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	Yes/No
Whether reportable	Yes/No