

CRM-M-40220-2023

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-40220-2023
Date of Decision: 18.08.2023**

Milap Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harpal Singh Sidhu, Advocate,
for the petitioner.

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 20.01.2023 passed by the Additional Sessions Judge, Tarn Taran, whereby the bail orders of the petitioner has been cancelled in the case FIR No.230 dated 01.12.2018, registered under Sections 307 and 34 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, at Police Station Sadar Patti, District Tarn Taran.

2. It is submitted by the learned counsel for the petitioner that the petitioner was granted anticipatory bail by the Additional Sessions Judge, Tarn Taran, vide order dated 24.12.2018 and the same was made absolute on 28.12.2018. The petitioner had been appearing before the Trial Court regularly. Thereafter, a compromise has been effected between the parties and the parties have approached this Court for quashing of the aforesaid FIR

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on the basis of compromise, vide CRM-M-35155-2023. However, on 20.01.2023, the petitioner could not appear before the Trial Court under the impression that since the matter has been compromised, therefore, he would not be required to appear before the Trial Court. As a result thereof, the Trial Court, vide order dated 20.01.2023, had forfeited the bail/surety bonds furnished by the petitioner and had issued the non-bailable warrants against him besides cancelling his bail order. The absence of the petitioner from the court proceedings was not intentional. The petitioner is not intending to avoid the process of Court. Rather, he undertakes to appear before the Trial Court regularly. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. 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 earlier absconded from the process of law, however, 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.

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6. In view of the above, the present petition is allowed and the order dated 20.01.2023 passed by the court of Additional Sessions Judge, Tarn Taran, is quashed, subject to the petitioner appearing before the Trial Court on or before 05.09.2023. It is further directed that in case the petitioner so appears before the Trial Court on or before 05.09.2023, 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 concerned.

(RAJBIR SEHRAWAT)
JUDGE

18.08.2023
adhikari

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