

CRM-M-44152-2023
Date of Decision: 04.09.2023

Versus

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

RAJBIR SEHRAWAT, J. (ORAL)

2. It is submitted by the learned counsel for the petitioners that petitioner No.2 was granted regular bail by the Court below vide order dated 07.05.2020, whereas, petitioner No.1 was granted interim anticipatory bail, vide order dated 17.09.2020, which was made absolute, vide order dated

24.09.2020. Thereafter, the petitioners had been appearing before the Trial Court regularly. However, on 25.07.2023, the petitioners could not appear before the Trial Court because they had wrongly noted down the next date of hearing as 25.08.2023 instead of 25.07.2023. As a result thereof, the Trial Court, vide order dated 25.07.2023, had cancelled the bail of the petitioners and forfeited the bail/surety bonds furnished by the petitioners and had also issued the non-bailable warrants against them. The absence of the petitioners from the court proceedings was not intentional. The petitioners are not intending to avoid the process of Court. Rather, they undertake to appear before the Trial Court regularly. Hence, the petitioners deserve to be protected against their arrest.

3. Notice of motion.

4. Mr. Karan Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent State. He submits that although the petitioners do not deserve the concession of bail because they had absconded from the process of law, however, the State has no objection if the petitioners appear 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.

CRM-M-44152-2023

-3-

6. In view of the above, the present petition is allowed and the order dated 25.07.2023 (Annexure P-5) passed by the court of Additional Sessions Judge, Ambala, is quashed, subject to the petitioners appearing before the Trial Court on or before 21.09.2023. It is further directed that in case the petitioners so appear before the trial Court on or before 21.09.2023, then the petitioners shall be released on bail on their furnishing bail bonds/sureties to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

04.09.2023
adhikari

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