

CRM-M-44139-2023
Date of Decision: 04.09.2023

..... Petitioner

..... Respondent

Present : Mr. Ketan Chopra, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

VIRENDRA SINGH ADHIKARI
2023.09.04 17:35
I attest to the accuracy and authenticity of
this document
Punjab and Haryana High Court at
Chandigarh

2. It is submitted by the learned counsel for the petitioner that the petitioner had appeared before the Trial Court at the time of filing of the challan and he was released on bail with a further direction to furnish surety bonds for an amount of Rs.10,000/- . However, due to communication gap regarding the next date of hearing, the petitioner could not appear before the Trial Court resulting into non furnishing of requisite surety bonds and hence, the Court below has cancelled the bail granted to the petitioner. Learned counsel submits that 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, 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.

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 orders dated 20.04.2023 (Annexure P-3), dated 05.06.2023 (Annexure P-4) and dated 20.07.2023 (Annexure P-5) passed by the court of Judicial Magistrate Ist Class, Ludhiana, are quashed, subject to the petitioner appearing before the Trial Court on or before 06.09.2023. It is further directed that in case the petitioner so appear before the trial Court on or before 06.09.2023, then the petitioner shall be released on bail on his 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