

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M No.45121 of 2023 (O&M)
DATE OF DECISION: 12th SEPTEMBER, 2023

Farhad Khan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.C. Shahpuri, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 11.01.2023 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Faridabad, vide which, the bail of the petitioner has been cancelled and his bail bonds and surety bonds were forfeited and non-bailable warrants has been issued in case FIR No.173 dated 20.04.2016 registered under Sections 406, 420 and 34 IPC, Police Station Mujessar, District Faridabad.

2. It is submitted by the counsel for the petitioner that the petitioner had been appearing before the trial Court in the case regularly. However, he could not appear before the trial Court on 11.01.2023 because of the personal difficulties and the petitioner had requested his counsel to seek exemption from personal appearance. However, the counsel did not file necessary application, which resulted in passing of

the impugned order. The petitioner is not intending to avoid the process of Court. Rather, he undertakes to appear before the trial Court regularly.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. 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 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.

6. In view of the above, the order dated 11.01.2023 passed by the trial Court is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 15.09.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 15.09.2023 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.

12th SEPTEMBER, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No