

2023:PHHC:121342

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

135

**CRM-M-45941-2023 (O&M)
Date of Decision: 14.09.2023**

DALJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sohrab Dhanda, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for setting aside the order dated 25.01.2023 (Annexure P-10) passed by the learned Judicial Magistrate, 1st Class, Ajnala, in FIR No.73 dated 18.07.2019, registered at Police Station Ramdas, Police District Amritsar Rural, District Amritsar, vide which the petitioner was declared as a proclaimed person.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was granted bail by the learned Court below on 22.07.2019 and since then, he was regularly appearing before the trial Court and that on 06.12.2021, the petitioner could not appear before the Court due to Covid-19 restrictions and accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants against him were issued. It is, thus, contended that non-appearance of the petitioner was neither intentional nor willful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, Mr. CL Pawar, Additional AG

Punjab, accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 06.12.2021, due to Covid-19 Pandemic and restricted movement and therefore, his non-appearance on the said date was unintentional.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments 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.

Though the petitioner absented himself from the Court proceedings, yet he is now not required for any investigation or interrogation purposes and rather, he is only to face the trial. Therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the above fact, but without expressing any opinion on the merits of the case, the present petition is allowed, subject to the petitioner depositing the costs of Rs.15,000/- with the concerned District Legal Services Authority. Order dated 25.01.2023 (Annexure P-10) is hereby set aside qua the petitioner only and the petitioner is directed to surrender before the Court below within 10 days from today. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

14.09.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

: *Yes/No*
: *Yes/No`*