

IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH

101

CRM-M-48236-2023 (O&M)

Date of Decision: 25.09.2023

RAJANDEEP SINGH @ RAJA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Ms. Harnaaz Kaur Hundal, Advocate and  
Ms. Taranjit Kaur Hundal, Advocate for the petitioner.

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**HARNARESH SINGH GILL, J.(Oral)**

Prayer in this petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.245 dated 20.08.2020, registered under Sections 307, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Shahkot, District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by this Court vide order dated 19.09.2022 and since then he had been regularly appearing before the Court below and that it was on 01.07.2023, the petitioner was unable to appear before the concerned Court due to flood situation in the State of Punjab and accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants of arrest against the petitioner and notice to his surety under Section 446 Cr.P.C. were issued for 12.09.2023. 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. 01.07.2023, due to flood situation in the State of Punjab and therefore, his non-appearance on the said date was unintentional.

The objective of the coercive mechanism prescribed under the Cr.P.C. 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 disposed of with a direction to the petitioner to surrender before the trial Court/Duty Magistrate concerned, within a month from today, subject to him depositing the costs of Rs.10,000/- with the concerned District Legal Services Authority. 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 concerned.

**25.09.2023**

*Aman Jain*

**(HARNARESH SINGH GILL)**  
**JUDGE**

*Whether speaking/reasoned*

: *Yes/No*

*Whether reportable*

: *Yes/No*