

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.49882 of 2023 (O&M)
DATE OF DECISION: 03rd OCTOBER, 2023

Satbir

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Monika Jangra, Advocate for the petitioner.

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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 21.08.2023 (Annexure P-4) passed by the Additional Sessions Judge, Rohtak, vide which, the application filed by the petitioner for exemption from personal appearance has been dismissed with costs of Rs.3000/-; his bail bonds and surety bonds were forfeited and non-bailable warrants has been issued.

2. It is submitted by the counsel for the petitioner that the petitioner had been appearing before the Appellate Court in the case regularly. However, he could not appear before the trial Court on 21.08.2023 because he had gone out of station for arranging money to be paid to the complainant. Accordingly, the petitioner had instructed his counsel to make a prayer to the Appellate Court to grant exemption from personal appearance for one date. However, that application has been dismissed and costs of Rs.3,000/- has been imposed upon the petitioner.

The petitioner was making bona fide efforts to settle the dispute with the complainant. 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 21.08.2023 (Annexure P-4) 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 16.10.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 16.10.2023 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.

03rd OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No