

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M No.50821 of 2023 (O&M)
DATE OF DECISION: 07th OCTOBER, 2023

Om Singh @ Rajbeer

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Kuldeep Singh Siwach, 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 25.09.2023 (Annexure P-14) passed by the trial Court, vide which, the bail of the petitioner has been cancelled and bail bonds/surety bonds have been forfeited to the State and to restore the surety bonds of the petitioner, with certain other prayers made in the present petition.

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 25.09.2023 because he had noted the wrong date in the case. 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 25.09.2023 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 27.10.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 27.10.2023 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.

07th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>