

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.54877 of 2023 (O&M)
DATE OF DECISION: 03rd NOVEMBER, 2023

Kamalpeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ranbir Singh Sekhon, 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 impugned order dated 25.04.2023 (Annexure P-4), vide which, the petitioner has been summoned through non-bailable warrants and surety bonds were forfeited by the trial Court in case CHI No.400/2020 titled as Punjab State Versus Gurjit Singh and others, FIR No.64 dated 03.07.2020 under Sections 452, 323, 324, 506 and 34 IPC (Section 325 IPC added later on) registered at Police Station Mullanpur Garibdas, District SAS Nagar.

2. It is submitted by learned counsel for the petitioner that the petitioner was granted anticipatory bail by the trial Court vide order dated 25.05.2022 and thereafter, the petitioner had been appearing before the trial Court in the case regularly. However, the petitioner could not appear before the trial Court on 25.04.2023 because he could not appear on the previous date fixed by the trial Court i.e. 27.02.2023 and was not aware

about the next date of hearing. 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. Sandeep, Additional Advocate General, Punjab, 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 impugned order dated 25.04.2023 is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 22.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 22.11.2023 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 concerned.

03rd NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No