

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CRM-M No.56359 of 2023 (O&M)
DATE OF DECISION: 08th NOVEMBER, 2023

Narender Singh Khatkar

.... Petitioner

Versus

Sultan Singh and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Naveen Kumar, 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 setting aside the order dated 21.09.2023 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Jind in NACT/165/2018 titled as Sulant Singh Versus Narender Singh Khatkar, vide which, the bail granted to the petitioner was cancelled and bonds were forfeited and non-bailable warrants were issued.

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 21.09.2023 because on that date he was in personal difficulty. Therefore, he moved an application for exemption from personal appearance through his counsel. However, that application was dismissed, bail granted to the petitioner was cancelled and non-bailable warrants were issued by the

trial Court vide order dated 21.09.2023. 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 21.09.2023 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 24.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 24.11.2023 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.

08th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No