

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56964-2023 (O&M)
Date of decision: 14.11.2023

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gautam Thapar, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in the present petition under Section 482 Cr.P.C. is for quashing of order dated 22.09.2023 in case FIR No.75 dated 02.06.2020, under Sections 307, 379-B, 148, 149, 341, 506, 323 and 326 IPC, registered at Police Station Lambra, District Jalandhar, whereby the bail order operating in favour of the petitioner was cancelled and his bail bonds and surety bonds were ordered to be forfeited to the State. The presence of the petitioner was sought to be secured by non-bailable warrants.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of anticipatory bail vide order dated 31.08.2020 and since then he has been appearing on each and every date without any default. It is submitted that the cross version has been filed

from the side of the petitioner and the FIR has been lodged at behest of the other party. Son of the petitioner who is settled in Canada was blessed with a child and the petitioner and his wife were to visit Canada for helping them and welcoming the new family member. For the said purpose, petitioner had also moved an application seeking grant of permission to visit Canada for 06 months. It is pleaded that during the pendency of the said application, relations between the son and daughter in-law of the petitioner deteriorated and a matrimonial dispute arose between them. On account of the same, son of the petitioner went into depression. It is under those compelling circumstances, the petitioner had to leave for Canada immediately. The attention of this Court is drawn to the itinerary of the petitioner, which shows scheduled return flight on 04.03.2024. However, the petitioner on settling down his son, daughter in-law and their child returned soon thereafter to face trial. The petitioner returned only on 19.10.2023, by which date order dated 22.09.2023 had already been passed. It is submitted that petitioner is not avoiding the process of law and now the proclamation has been ordered to be effected for 06.12.2023. Petitioner undertakes not to absent himself from the trial in future, except for compelling circumstances or with prior permission of the Court. The petitioner is ready to surrender before the trial Court and join proceedings.

3. Notice of motion.

4. Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of the respondent-State and waives service. Learned State counsel submits that although petitioner does not deserve the concession of bail

as he had earlier absconded from the process of law, however, the State has no objection if the petitioner appears before the trial Court.

5. Heard learned counsel for the parties.

6. 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 him. If the accused demonstrates his sincere intention and desire to submit himself to the process of the Court, then it would be just to protect him from being arrested.

7. In view of the above, without expressing any opinion on the merits of the case, petitioner is directed to deposit an amount of Rs.51,000/- as costs with 'Veeranwali Foundation – Nanhi Jaan', ICICI Bank, Sector 34, Chandigarh (Account No. 134101000271; IFSC code: ICIC0001341) [<https://www.nanhijaan.com/donate/>] and surrender before the trial Court concerned on or before 30.11.2023. In case the petitioner surrenders before the trial Court and moves an appropriate application for bail along with receipt of above said costs, he be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. Subject to the aforesaid, the impugned order dated 22.09.2023 shall stand quashed.

8. To enable the petitioner to put in appearance before the Court below, his arrest pursuant to the impugned proceedings shall remain stayed till 30.11.2023.

9. Needless to observe that in case the petitioner fails to comply with the above said direction, this order shall stand automatically

recalled under Section 362 read with Section 482 Cr.P.C. without any reference to this Court.

10. Petition is disposed of with the aforesaid observations.

November 14, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No