



CRM-M-36087-2024(O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.126

CRM-M-36087-2024(O&M)

Date of decision : 30.07.2024

Pargat Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned orders dated 23.11.2023 (Annexure P-2) vide which bail bonds and surety bonds of the petitioner were cancelled and order dated 09.02.2024 (Annexure P-1) vide which the petitioner has been declared proclaimed offender, in case FIR No.0146 dated 24.10.2021, under Sections 419, 420, 465, 467, 468, 471, 171 and 120-B IPC, registered at Police Station Nathana, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner was granted benefit of regular bail vide order dated 22.04.2022 passed by this Court in CRM-M-51737-2021 and thereafter he was regularly appearing before the learned trial Court. During the period of bail, the petitioner was falsely implicated in another case bearing FIR No.77 dated 10.09.2023, under Section 302, 307, 323, 120-B, 148 and 149 IPC, registered at Police Station Balianwali, District Bathinda and was taken in custody, due to which petitioner could not appear before the learned Trial Court on the date of hearing and vide order dated 23.11.2023 his bail bonds were cancelled and



forfeited to the State and subsequently vide order dated 09.02.2024, he was declared proclaimed offender. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon them by the trial Court.

3. Notice of motion.

4. At the asking of Court, Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of respondents-State.

5. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was granted regular bail by this Court, however due to involvement in another case, he could not appear before the trial Court and on account of the same, his bail bonds and surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains 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.

7. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear due to involvement in another case where he was found innocent.

8. In view of the above, the present petition is allowed. Orders dated 23.11.2023 (Annexure P-2) and 09.02.2024 (Annexure P1) are hereby

set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, AIIMS Bathinda within a period of two weeks from today. The petitioner after depositing the cost as stated above would appear before the trial Court on or before the date fixed i.e. 16.09.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner till 16.09.2024. In case, the petitioner fails to appear before the trial Court on or before the date fixed i.e. 16.09.2024 or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

30.07.2024
Kapil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No