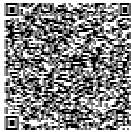


2024:PHHC:114621



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.121

CRM-M-43159-2024(O&M)
Date of decision : 03.09.2024

Shankar Lal

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

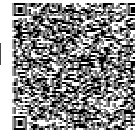
Present: Mr. Shivraj Angi, Advocate, for the petitioner.
Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 15.07.2023 (Annexure P2) vide which bail granted to the petitioner has been cancelled and bail bonds/surety bonds of the petitioner have been forfeited and the petitioner is summoned through non-bailable.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner was consistently attending the proceedings before the trial Court, however, circumstances went beyond his control and he failed to attend the trial Court. Consequently, his bail bonds and surety bonds were forfeited and non-bailable warrants vide order dated 15.07.2023 have been issued. He further submits that the absence of the petitioner was neither willful nor deliberate as his son is suffering from chronic kidney disease and is undergoing treatment at RVRS Medical College & Mahatma Gandhi Hospital, Bhilwara, Rajashtan and he is on dialysis. The medical report of

2024:PHHC:114621



the son of the petitioner is annexed as Annexure P3. He further submits that the petitioner is willing to face trial and therefore, he may be granted one opportunity to appear before the trial Court.

4. Notice of motion to the official respondents at this stage.

5. At asking of the Court, Mr. R.S. Thind, DAG, Punjab accepts notice on behalf of the respondent-State and waives service. He has opposed the present petition and has submitted that the trial Court has been correctly issued non-bailable warrants of arrest against the petitioner and cancelled the bail bonds/surety bonds.

6. Heard the rival submissions made by learned counsel for the parties.

7. 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.

8. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, he could not appear before the trial Court on one date and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

9. This Court finds that no useful purpose will be served by sending the petitioner in custody when he is continuously appearing before the trial Court but could not appear on one date.

2024:PHHC:114621



10. In view of the above, the present petition is allowed and order dated 15.07.2023 (Annexure P2) passed by the learned Addl. District Judge, Bathinda, is hereby set aside/quashed **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within a period of 10 days.** The petitioner after depositing the cost as stated above would appear before the trial Court concerned on the next date fixed 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 petitioners till the next date fixed. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

03.09.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No