

**CRM-M-48888-2024**

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-48888-2024****Date of decision : 30.09.2024**

Manpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. G.S. Bhatia, Advocate
for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 14.08.2024 (Annexure P-4) passed by Additional Sessions Judge, Amritsar vide which bail order of the petitioner was cancelled and arrest warrants were issued for 12.12.2024 in case FIR No. 255 dated 20.12.2020 under Section 379-B(2)/411/473/34 IPC and Section 25 of Arms Act registered at Police Station Ranjit Avenue, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 28.12.2020, and alleged recovery of car, was effected. Thereafter, the petitioner was released on the regular bail vide order dated 07.06.2021. He further submits that after completion of the investigation the challan was presented and charges were framed vide order dated 09.08.2021. Thereafter, the petitioner was regularly appearing in court. However, the petitioner was arrested in another case bearing FIR No. 143 dated 18.08.2021 under Sections

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302 and 34 IPC and Sections 25, 27 of Arms Act registered at Police Station Majitha Road, Amritsar and was being produced by concerned jail authorities for trial of the present case. However, the petitioner was acquitted in the other case vide order dated 02.03.2024. The petitioner was not aware regarding the proceeding of the present case and he was not having the exact date of appearance in Court because of his long custody in another case. The petitioner could not appear on the date fixed i.e. 14.08.2024 as a result of which his bail has been cancelled. He also 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. The objective of the coercive mechanism prescribed 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.

4. 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 on one date only due to his long custody in another case.

5. In view of the above, the present petition is allowed. Order dated 14.08.2024 (Annexure P-4) is hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh. The petitioner after depositing the cost as stated above would appear before the trial Court within one week 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. In the



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petitioner fails to appear before the trial Court within a week or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

30.09.2024

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No