

2024:PHHC:141978



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

Sr. No.122

**CRM-M-54144-2024(O&M)
Date of decision : 29.10.2024**

Mohd. Anwar @ Mohd. Anwar Nandan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jai Bhagwan, , Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for quashing the impugned order dated 11.10.2024 (Annexure P3) passed by the learned JMIC, Malerkotla, vide which the bail of the petitioner has been cancelled and his bail bonds/surety bonds has been forfeited and further non-bailable warrants of the petitioner has been ordered to be issued.

2. Learned counsel for the petitioner submits that the petitioner has been involved in FIR No.120 dated 19.10.2018, under Sections 420, 467, 468, 469 & 471 IPC, registered at Police Station City-II, Malerkotla, District Sangrur (now Malerkotla). He submits that the petitioner was granted bail by the trial Court and he was regularly appearing before the Court. He further submits that on 11.10.2024, due to some urgent work at home, the petitioner could not appear before the trial Court and the said fact was duly intimated by the petitioner to his counsel for getting his personal exemption before the Court. However, on that date, neither his counsel appeared before trial Court nor any application for personal exemption of the petitioner was filed and on account of the same, the impugned order dated 11.10.2024 was

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passed by the trial Court. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed upon him by the trial Court.

3. Notice of motion to the official respondents at this stage.
4. Served with advance copy of the petition, Mr. Vinay Kumar, DAG, Punjab, who is present in Court today, 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 correctly issued the order dated 11.10.2024 against the petitioner.
5. Heard the rival submissions made by the 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 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. 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 i.e. 11.10.2024 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.

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8. 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.

9. In view of the above, the present petition is allowed and order dated 11.10.2024 (Annexure P3) passed by the learned JMIC, Malerkotla, 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 concerned on 04.11.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on the same bail bonds/surety bonds. No coercive action would be taken against the petitioner till the then. In case, the petitioner failed to appear before the trial Court on the said date or fails 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

29.10.2024
Ramandeep Singh

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