

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.08.16 17:49
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CRM-M-34896-2018 (O&M)

Date of decision:14.08.2018

Gurmukh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sunny Kumar Singal, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for quashing of the impugned order dated 20.07.2018, vide which, the trial Court has dismissed the application for exemption from personal appearance of the petitioner and issued non-bailable warrants against him.

It is contended by counsel for the petitioner that the petitioner has been regularly appearing before the trial Court. However, on two occasions, he could not appear before the trial Court because he is a driver and had gone to Mumbai along with the vehicle. The petitioner has filed an application for exemption from personal appearance before the trial Court, on both the dates. On one occasion, the application was allowed. However, on the last date, the application was dismissed and the non-bailable warrants were ordered to be issued against the petitioner. It is further contended by counsel for the petitioner that he has no intention to flee from the course of justice. He would regularly appear before the trial Court. The prayer made is only that the petitioner be protected from the arrest.

Notice of motion.

Mr. Hittan Nehra, Additional Advocate General, Punjab
accepts notice on behalf of the State.

Heard.

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.

In view of the above, the present petition is allowed subject to
the petitioner appearing before the trial Court on or before 24.8.2018. It is
further directed that in case, the petitioner so appears before the trial Court
then the petitioner shall be released on bail on his furnishing bail
bond/surety to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

14.08.2018
Hemlata

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