

Sr. No.104

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

CRM-M-36247-2018
Date of decision:23.08.2018

Kuldeep Singh

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.16 dated 17.01.2017 for the offences punishable under Sections 392,398,401 IPC and Section 25/54 of Arms Act registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner was arrested in this case on 17.01.2017. Thereafter, he was released on bail on 17.04.2017. The petitioner had been regularly attending the trial. He had continuously attended 12 hearings before the Trial Court. However, on 29.05.2018, the petitioner could not appear before the Trial Court because of some domestic problem. For this date also, the petitioner had moved an application for exemption of personal appearance. However, that application was declined by the Trial Court and the bail bonds of the petitioner were cancelled. Therefore, the petitioner apprehends his arrest. It is further contended by learned counsel for the petitioner that the petitioner had no intention to flee from the course of justice. He undertakes to appear

before the Trial Court. However, the only prayer is that the petitioner be protected from arrest.

Notice of motion.

On the asking of the Court, Shri Karan Sharma, AAG, Haryana accepts notice on behalf of the State of Haryana and submits that he has no objection if the petitioner appears before the Trial Court.

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 20.09.2018. 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.

23rd August, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*