

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

**CRM-M No. 37371 of 2018
Decided on: 28.8.2018**

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. K.S. Mangat, Advocate, for the petitioner

Rajbir Sehrawat, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 57 dated 12.5.2011, under Sections 420 and 120B IPC, registered at Police Station Sadar, Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the offence alleged against the petitioner has been compromised and the complainant has agreed for quashing of the FIR against the petitioner. He further contends that although the order declaring the petitioner as a proclaimed person has been passed by the trial Court, however, the same was passed at the back of the petitioner. The petitioner has been in abroad since September 2010. Even the FIR was registered against the petitioner when he was not in India. The petitioner was not aware of the proceedings going on in the Court against him. It is contended that the petitioner does not have any intention to flee from the course of justice. He intends to appear before the Court, however, the prayer made is only; that the petitioner be protected from the arrest.

Notice of motion

Mr. K.S. Aulakh, DAG, Punjab, accepts notice on behalf of the State. He has no objection if the petitioner appears before the Court to receive further orders from the trial Court.

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 10.9.2018. It is further directed that in case, the petitioner so appears before the trial Court then he shall be released on bail on his furnishing bail bond/surety to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

28.8.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No