

Sr. No.128

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

**CRM-M-38066-2018
Date of decision:31.08.2018**

Peeush Middha

.....Petitioner

versus

State of UT, Chandigarh

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Promila Nain, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of the Order dated 30.05.2018(Annexure P-3) passed by Chief Judicial Magistrate, Chandigarh vide which the application for exemption of the petitioner from appearance before the Court on that particular date was dismissed and the bail granted to the petitioner was also cancelled. Further warrants of arrest were also issued against the petitioner.

Learned counsel for the petitioner contends that since the petitioner was caught up in some emergent situation and was out of station, therefore, petitioner had requested his counsel to move an application for exemption. Otherwise, the petitioner had been regularly appearing before the Trial Court. It is further contended by learned counsel for the petitioner that the petitioner has no intention to flee from the course of justice. He intends to appear before the Court. The prayer is only that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Gautam Dutt, Standing Counsel for U.T., Chandigarh accepts notice on behalf of U.T., Chandigarh and submits that he has 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 11.09.2018. 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.

31st August, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*