

102      IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52856-2018 (O&M)

Date of decision:30.11.2018.

Kartar Singh and others

...Petitioners

Versus

Gurdeep Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Ritesh Panday, Advocate  
for the petitioners.

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**RAJBIR SEHRAWAT, J. (ORAL)**

The present petition has been filed by the petitioners under Section 438 of Cr.P.C for grant of anticipatory bail in Criminal Complaint bearing No.90 dated 23.12.2015 titled as “Gurdeep Singh Vs. Kartar Singh and others” pending before the Judicial Magistrate 1<sup>st</sup> Class, Batala filed under Sections 452, 323, 324, 379, 447, 506, 148, 149 of IPC vide which the petitioners were summoned under Sections 452, 323, 148, 149 of IPC at Police Station Rangar Nangal, Police District Batala, District Gurdaspur.

Counsel for the petitioners contends that the petitioners were summoned in the complaint. However, the summoning order was never served upon the petitioners, except petitioner No.1, who is old and illiterate person. Even petitioner No.1 thought that the summons have come from the Civil Court; because there was already a litigation pending before the Civil Court between the same parties. Therefore, none of the petitioners could appear before the trial Court in the present case. Resultantly, the trial Court has declared the petitioners as proclaimed persons vide order dated 04.10.2018. It is further contended by the counsel that the petitioners have

now come to know of the proceedings against them, therefore, the petitioners intend to appear before the trial Court to face the further proceedings. The only prayer made is that the petitioners be protected from their arrest.

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 petitioners appearing before the trial Court on or before 10.12.2018. It is further directed that in case, the petitioners so appear before the trial Court then the petitioners shall be released on bail on their furnishing bail bonds/sureties to the satisfaction of the trial Court.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**30.11.2018**

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No