

**CRM-29420-2018 IN/AND  
CRM-M-551-2018**

**-1-**

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

**(120)**

**CRM-29420-2018 IN/AND  
CRM-M-551-2018  
Decided on: 27.08.2018**

**SUKHWINDER SINGH**

**.....Petitioner**

**Versus**

**STATE OF PUNJAB**

**.....Respondent**

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

**Present: Mr. Madan Gupta, Advocate  
for the petitioner.**

**Mr. K.S. Aulakh, DAG, Punjab.**

**Rajbir Sehrawat, J. (Oral)**

**CRM-29420-2018**

Notice in the application.

Mr. K.S. Aulakh, DAG, Punjab accepts notice and submits that he has no objection if the application is allowed.

In view of the above, the application is allowed. Annexure P-10 is permitted to be taken on record subject to all just exceptions.

**CRM-M-551-2018**

With the consent of both the parties the hearing of the case is pre-poned for today.

Counsel for the petitioner submits that he could not appear before the trial Court because he was not aware of the order of summoning the petitioner under Section 319 Cr.P.C. It is further contended that the proclamation has not been properly carried out by the police. The petitioner

has no intention to flee from the course of justice. He intends to appear before the trial Court. The prayer has been made to protect from arrest.

The State does not have any 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 and the impugned order is quashed; subject to the petitioner appearing before the trial Court on or before 04.09.2018. It is further ordered that in case the petitioner so appears, he be released on bail on his furnishing bonds/sureties to the satisfaction of the Trial Court.

**27<sup>th</sup> August, 2018**  
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**[RAJBIR SEHRAWAT]  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether Reportable*                      *Yes/No*