

S.No.123

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

CRM-M-3645 of 2019 (O&M)

Date of Decision:25.01.2019

Mohinder Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.D. Sharma, Advocate
for the petitioners.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking setting aside the order dated 13.08.2018 and order dated 29.10.2018 passed by the learned Sessions Judge, Jalandhar vide which bail orders and bail bonds of the petitioners have been cancelled.

Learned counsel for the petitioners contends that the petitioners have filed the appeal against their conviction. During pendency of the appeal, the petitioners were granted concession of suspension of sentence by the Appellate Court and were ordered to be released on bail. However, on some dates, the petitioners could not appear due to unavoidable circumstances. The petitioners have no intention to flee from course of justice. They intend to appear before the Appellate Court. The only prayer is that the petitioners be protected against their arrest.

Notice of motion.

Mr. S.S. Cheema, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioners appear 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 orders are set aside; subject to the petitioners appearing before the Appellate Court on or before 05.02.2019. It is further directed that in case the petitioners so appear before the Appellate Court on or before 05.02.2019 then they shall be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the Appellate Court/ Duty Magistrate.

January 25, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No