

Sr. No.105

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

CRM-M-6338-2019

Date of decision:11.02.2019

Sandeep Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. D.S.Kahlon, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case Complaint No.427 dated 22.04.2011/14.08.2012 under Sections 323,326,452,455,459/120-B IPC, registered at Police Station A-Division, Amritsar, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has been residing in Canada since the year 2008. The Complaint in this case was filed before the Court in the year 2011. The summoning orders were issued in the year 2015. Through out this period, the petitioner was out of country. In the mean-time, the petitioner had even travelled to India, however, he never came to know of the proceedings pending against him. Now the petitioner has come to know that the he has been declared as a proclaimed person. However, the petitioner was never served with any summons or warrants from any Court in this regard in accordance with law. Since the petitioner has now come to know of the proceedings pending against him, therefore, he intends to appear before the Court to face the further proceedings in accordance with law. It is further contended by

counsel for the petitioner that he has no intention to flee from the course of justice. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

On the asking of the Court, Shri Rajat Bansal, AAG, Punjab accepts notice on behalf of the State and submits that he has no 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 21.02.2019. 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.

11th February, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*