

S.No.105

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

CRM-M-7618 of 2019 (O&M)

Date of Decision:20.02.2019

Maninder Singh @ Mani

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amandeep Singh, 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 FIR No.147 dated 04.11.2016 registered under Sections 392, 34 IPC (Sections 394, 395 and 397 IPC added later on) at Police Station Dugri, District Ludhiana as his bail bonds have been cancelled vide order dated 12.11.2018.

Learned counsel for the petitioner contends that in this very case, the petitioner was earlier granted bail pending trial. He had been appearing before the trial Court regularly. However, on 12.11.2018, the petitioner could not appear before the trial Court because he was being produced before Sub Divisional Magistrate, Ludhiana in other proceedings initiated under Sections 107, 151 Cr.P.C. As a result, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued against him. Hence, the petitioner apprehends his arrest. It is further contended by the counsel that the petitioner has no intention to flee from course of justice. He intends to appear before the trial Court. The only prayer is that he be protected against his arrest.

Notice of motion.

Mr. Rajat Bansal, AAG, Punjab accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court to face further proceedings.

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 16.03.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 16.03.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

February 20, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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