

S.No.103

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

CRM-M-11755 of 2019 (O&M)

Date of Decision:14.03.2019

Darshan Singh and anotherPetitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. K.S. Sandhu, Advocate
for the petitioners.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.320 dated 06.10.2017 registered under Section 379 IPC and Section 21 of Mines and Minerals Act, 1957 at Police Station Sidhwan Bet, District Ludhaina.

It is contended by counsel for the petitioners that in this very case, the petitioners were released on bail pending trial. However, on 07.08.2018, the petitioners could not appear before the trial Court. The bail granted to the petitioners was cancelled by the trial Court and their warrants of arrest have been issued. It is further contended that the absence of the petitioners from the trial Court was not intentional, rather, by inadvertent mistake, the petitioners had noted the next date of hearing to be 08.08.2018 instead of 07.08.2018. However, the petitioners have no intention to flee from course of justice. They intend to appear before the trial Court as they were earlier appearing. The only prayer is that the petitioners be protected against their 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 petitioners appear 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 petitioners appearing before the trial Court on or before 26.03.2019. It is further directed that in case the petitioners so appears before the trial Court on or before 26.03.2019 then they shall be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 14, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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