

S.No.103

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

CRM-M-14376 of 2019 (O&M)

Date of Decision:29.03.2019

Kanchan Ahluwalia and another

.....Petitioners

Vs.

M/s Leather Shooters and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Thakur, Advocate
for the petitioners.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner No.1 in complaint NACT No.559 of 2017 dated 20.01.2017 titled as M/s Leather Shooters and anr. v. Kanchan Aluwalia and another, pending in the Court of Judicial Magistrate Ist Class-4, Jalandhar

Learned counsel for the petitioners submits that earlier petitioner No.1, who is the sole proprietor of the petitioner No.2- firm, was duly appearing before the trial Court. However, the petitioner No.1 could not appear on 17.01.2019, and on 1-2 dates before that. Hence, the bail earlier granted to petitioner No.1 was cancelled by the trial Court. It is further submitted that non-appearance of petitioner No.1 before the trial Court was not intentional. Rather the petitioner No.1 is suffering the serious neurological ailment and because of the same, she had to be admitted in AIIMS, New Delhi. Although she was discharged from AIIMS, New Delhi on 14.01.2019, yet once again the petitioner No.1 was admitted in AIIMS, New Delhi, on 20.01.2019. Now she intends to appear before the trial Court and to face the further proceedings in accordance with law. The petitioner No.1 does not have any intention to flee from course of justice.

The only prayer is that she be protected against her arrest.

In view of the nature of the order which this Court intends to pass, the Court does not find it necessary to issue any notice to the opposite side. Hence, the present petition is being disposed of without issuance of the notice to the respondent.

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 26.04.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 26.04.2019 then she shall be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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