

S.No.106

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

CRM-M-17578 of 2019 (O&M)

Date of Decision:16.04.2019

Jyoti BalaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Navjot Singh, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed by the petitioner seeking bail in case FIR No.170 dated 09.10.2018 registered under Section 306 IPC at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner submits that in this very case, the petitioner was earlier granted bail pending trial. Thereafter, the petitioner was facing the proceedings by appearing before the trial Court. However, on 29.03.2019, the petitioner could not appear before the trial Court and the bail of the petitioner has been cancelled and the warrant of arrest has been issued against her. It is further submitted by the counsel that the absence of the petitioner from the trial Court was not intentional. This has happened because of an inadvertent mistake; because the petitioner had noted the date wrongly as 29.04.2019 instead of 29.03.2019. However, later on, counsel for the petitioner informed that bail of the petitioner has been cancelled and non bailable warrants have been issued against her. Learned counsel has further submitted that since the petitioner has come to know of the order passed against her, therefore, she intends to appear before the trial Court. The petitioner has no intention to flee from course of justice. The

only prayer is that the petitioner be protected against her arrest.

Notice of motion.

Mr. Luvinder Sofat, 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.

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 24.04.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 24.04.2019 then she shall be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 16, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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