

Sr. No.107

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

CRM-M-19017-2019

Date of decision:29.04.2019

Karanjit Singh @ Karan and another

..... Petitioners

versus

State of Punjab and another

..... Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Satwant Mehta, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in Complaint Case No.105 of 2016 dated 30.08.2016 registered under Sections 326, 325, 323, 324, 382, 148, 149 IPC at Police Station Valtaha, District Tarn Taran, pending in the Court of Additional Sessions Judge, Tarn Taran .

Learned counsel for the petitioners submits that in this very case, the petitioners were earlier granted bail pending trial. Thereafter, the petitioners were regularly appearing before the Trial Court. As a matter of fact, there are two cases pending before the same Court in which the petitioners are involved. The Trial Court had been adjourning both these cases for the same date. However, on 18.02.2019, both cases were not adjourned for the same date by the Trial Court. One case was adjourned for 03.04.2019 and the other one was adjourned for 02.04.2019. By inadvertent mistake the petitioners noted the date in both the cases to be 03.04.2019. As a result, the petitioners could not appear before the Trial Court on 02.04.2019. Hence the bail granted to the petitioners have been cancelled and warrants of arrest have been issued. It is further contended

that petitioners have no intention to flee from the course of justice. They intend to appear before the Trial Court now and face the proceedings in accordance with law. The only prayer is that the petitioners be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the State and submits that he has no objection if the petitioners appear before the Trial Court.

At this stage, this Court does not find it necessary to issue the notice to respondent No.2, in view of the nature of the Order intended to be passed hereinbelow.

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 15.05.2019. It is further directed that in case, the petitioners so appear before the trial Court then the petitioners shall be released on bail on their furnishing bail bonds/sureties to the satisfaction of the Trial Court.

29th April, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*