

Sr. No.104

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

**CRM-M-19498-2019(O&M)
Date of decision:01.05.2019**

Sukhdev Singh @ Sukha and another

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Munish Garg, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.39 dated 21.08.2016 for the offences punishable under Sections 341, 342, 395, 506, 148, 149 of IPC and Section 25 of the Arms Act (Sections 365, 379-B, 412 IPC added later on) registered at Police Station Sehna, District Barnala.

Learned counsel for the petitioners contends that in this very case petitioners were granted bail pending trial. They were regularly appearing before the Trial Court to face the proceedings. However, on 18.04.2019 the petitioners could not appear before the Trial Court. Hence, their bail has been cancelled and warrants of arrest have been issued. Petitioners apprehend their arrest. It is further submitted that the non-appearance of the petitioners before the Trial Court was not intentional. Rather it has occurred due to inadvertent mistake because petitioners had noted the date wrongly to be 22.04.2019 instead of 18.04.2019. However, the petitioners have no intention to flee from the course of justice. They intend to appear before the Trail Court now. The only prayer is, they be

protected against their 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

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 09.05.2019. It is further directed that in case, the petitioners so appear before the trial Court then they shall be released on bail on their furnishing bail bond/surety to the satisfaction of the Trial Court.

1st May, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*