

S.No.108

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

CRM-M-22613 of 2019 (O&M)

Date of Decision:17.05.2019

Kumar Gaurav @ ManuPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Anuj Dewan, Advocate for
Mr. J.S. Thakur, Advocate for
the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail in case FIR No.97 dated 22.06.2014 registered under Sections 382, 34 IPC at Police Station Division No.3, District Jalandhar City.

Learned counsel for the petitioner submits that in this very case, the petitioner was granted bail pending trial. The entire evidence of the prosecution was also completed. The case was adjourned by the trial Court for recording of the statement of the accused under Section 313 Cr.P.C, for 08.02.2019. However, on that date, the petitioner could not appear before the trial Court. Hence, his bail was cancelled and warrants of arrest have been issued. Therefore, the petitioner apprehends his arrest. It is further submitted that absence of the petitioner before the trial Court was not intentional. On the contrary, the petitioner could not appear before the trial Court because he had noted the date wrongly as 18.02.2019 instead of 08.02.2019. But the petitioner does not intend to flee from course of justice. He intends to appear before the trial Court to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Prabhjot Singh Walia, AAG, Punjab, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears 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 petitioner appearing before the trial Court on or before 27.05.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 27.05.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 17, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

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