

Sr. No.104

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

CRM-M-23074-2019(O&M)

Date of decision:20.05.2019

Bikramjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.46, dated 19.02.2017 for the offences punishable under Section 21 Mining and Mineral Act 1957 r/w sec 379 of IPC at Police Station Meharbaan, Ludhiana-city, District Ludhiana.

Learned counsel for the petitioner submits that in this very case, the petitioner was earlier granted bail pending trial by the Trial Court. However, on one date, i.e; on 25.01.2019 the petitioner could not appear before the Trial Court. As a result, bail granted to the petitioner has been canceled and warrants of arrest have been issued against the petitioner. Therefore, the petitioner apprehends his arrest. It is further submitted that the absence of the petitioner before the Court was not intentional. It happened due to communication gap between the petitioner and his counsel. However, the petitioner does not have any intention to flee from the course of justice. He intends to appear before the Trail Court now. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh, DAG, Punjab accepts notice on behalf of the State of Punjab and submits that he has no 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 28.05.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

20th May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*