

S.No.121

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

CRM-M-24720 of 2019 (O&M)

Date of Decision:28.05.2019

Deepak Kumar alias Deepu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C for setting aside the order dated 12.11.2018 passed by learned Addl. Sessions Judge, Ludhiana in case FIR No.147 dated 04.11.2016 registered under Sections 392, 34 IPC at Police Station Dugri, District Ludhiana whereby non bailable warrants of arrest have been issued against him and bail order/ surety bonds of the petitioner have been cancelled due to non-appearance before the Court.

Learned counsel for the petitioner submits that on 12.11.2018, the petitioner could not appear before the trial Court because by inadvertent mistake, he had noted the wrong date. Therefore, for solitary absence from the Court, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued against him. It is further submitted that the petitioner does not have any intention to flee from course of justice. He intends to appear before the trial Court. The only prayer is that the petitioner be protected against his arrest.

Having heard learned counsel for the petitioner and having perused the impugned order, this Court does not find any illegality or impropriety in the order passed by the Court below, otherwise, warranting

interference therewith.

However, the objective of the coercive procedure is to ensure the presence of the petitioner only, therefore, if the petitioner has expressed his sincere desire to appear before the trial Court, then it would not be unjustified if the petitioner is granted an opportunity to appear before the trial Court so as to face further proceedings in accordance with law, but by protecting him against the arrest.

In view of the above, the present petition is disposed of with a liberty to the petitioner to appear before the trial Court/Duty Magistrate on or before 10.06.2019. It is further directed that in case the petitioner so appears before the trial Court/Duty Magistrate on or before 10.06.2019; then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 28, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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