

S.No.104

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

CRM-M-24847 of 2019 (O&M)

Date of Decision:29.05.2019

Gurpreet Singh alias Gopi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurcharan Dass, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of bail to the petitioner in the event of his arrest in case FIR No.254 dated 07.10.2017 registered under Sections 379 IPC and 21 of the Mining and Minerals Act, 1957 at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was granted anticipatory bail in this very case. Thereafter, the petitioner regularly appeared before the trial Court. Even the evidence of the prosecution has been completed and the case has reached the stage of statement of the accused to be recorded under Section 313 Cr.P.C. The case was fixed on 23.04.2019. The petitioner applied for exemption from personal appearance. The Court, though granted exemption for that date of hearing, however, adjourned the case for the next day only. On 24.04.2019, the petitioner could not appear because he had to attend the cremation of a relative. Due to non-appearance before the trial Court on 24.04.2019, the bail granted to the petitioner has been cancelled and non-bailable warrants have been issued against him. Therefore, the petitioner

apprehends his arrest. It is submitted by the counsel that the non-appearance before the trial Court was not intentional. The petitioner has no intention to flee from course of justice. He intends to appear before the trial Court, however, the only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any 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 submissions made by counsel for the petitioner, the present petition is allowed subject to petitioner's appearing 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 on or before 11.06.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate

May 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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