

S.No.105

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

CRM-M-27663 of 2019 (O&M)

Date of Decision:03.07.2019

Dinesh SharmaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Lakhwinder Sing Mann, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.137 dated 04.11.2017 registered under Sections 406, 420 IPC at Police Station City Nawanshahar, District SBS Nagar.

It is contended by learned counsel for the petitioner that in this very case, the petitioner was earlier granted bail. Thereafter, the petitioner had been regularly appearing before the trial Court. However, on 12.04.2019, the petitioner could not appear before the trial Court because he had noted the wrong date. Hence, the bail granted to the petitioner has been cancelled. Accordingly, the petitioner apprehends threat of arrest. It is further submitted that the non-appearance of the petitioner 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 to face further proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, 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 16.07.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 16.07.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 03, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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