

S.No.106

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

CRM-M-31824 of 2019 (O&M)

Date of Decision:26.07.2019

KalpanaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- None.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.129 dated 24.10.2017 registered under Sections 395, 341, 506 IPC and Sections 25/27/54/59 of Arms Act (Sections 450, 411, 201 IPC added later on).

It is the case of the petitioner that in this very case, the petitioner was earlier granted bail pending trial by the trial Court. However, due to unavoidable circumstances, she could not appear before the trial Court on 23.05.2019. Accordingly, bail granted to the petitioner has been cancelled and the warrant of arrest has been issued against the petitioner. However, the absence of the petitioner from the trial Court was not intentional. Rather, she was feeling pain in her abdomen, therefore, she had to visit the physician, who advised her the ultra-sound test. After conducting several tests, the petitioner was diagnosed to be pregnant at a subsequent time. However, the petitioner does not have any intention to flee from course of justice. She intends to appear before the trial Court. The only prayer is that the petitioner be protected against her arrest.

Keeping in view the nature of the order being passed, this Court does not consider it necessary to issue any notice to the other side.

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 09.08.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 09.08.2019; then she shall be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 26, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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