

Sr. No.102

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

CRM-M-32390-2019

Date of decision:13.08.2019

Pardeep Singh

.....Petitioner

versus

State of Punjab

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: None for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.110 dated 01.11.2017 for the offences punishable under Sections 307, 452, 450, 427, 324, 323, 148, 149 of the IPC Act and under Section 25 of the Arms Act registered at Police Station Behram, District SBS Nagar.

The case of the petitioner is that in this very case, the petitioner was earlier granted bail pending trial and thereafter, the petitioner had been appearing before the Trial Court regularly. On 14.05.2019, the petitioner could not appear before the Trial Court. Resultantly, the bail granted to the petitioner has been cancelled and non-bailable warrants have been issued against the petitioner. However, the assertion of the petitioner is that the non-appearance of the petitioner before the Trial Court was not intentional. The non-appearance had resulted from bonafide mistake because on 09.01.2019, the petitioner had applied for exemption from appearance and the same was granted by the Court, however, the petitioner had wrongly noted the next date of hearing to be 01.04.2019 instead of 01.02.2019. This resulted in non-appearance on the next date as well. However, the petitioner

does not have any intention to flee from the course of justice. He intends to appear before the Trial Court to face further proceedings in accordance with law. The petitioner is ready to obey all the conditions which the Court may consider appropriate to impose. The only prayer is that the petitioner be protected from the arrest.

At this stage, this Court does not find it necessary to issue the notice to respondent, in view of the nature of the Order intended to be passed hereinbelow.

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 23.08.2019. 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.

13th August, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*