

Sr. No.130

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

CRM-M-33648-2019

Date of decision:22.08.2019

Harpal Singh @ Pala and another

.....Petitioners

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Arun Gupta, Advocate and
Mr. Sachin Jain, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for setting aside the Order dated 06.06.2019 passed by the learned Additional Sessions Judge, Kurukshetra in FIR No.169 dated 01.04.2017 for the offences punishable under Sections 148/149/120/323/379/452/506 IPC registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioners contends that in this very case the petitioners were earlier released on bail. The petitioners were appearing before the Trial Court regularly. However, on 06.06.2019, the petitioners could not appear before the Trial Court because of personal difficulty. Accordingly, an application for exemption from personal appearance; disclosing the reason of personal difficulty; was moved before the Trial Court. But the same was dismissed and the bail granted to the petitioners was cancelled. It is further submitted that the petitioners do not have any intention to flee from the course of justice. The absence from the Court on the given date was only because of the circumstances which were

beyond the control of the petitioners. Petitioners intend to appear before the Court to face further proceedings in accordance with law. The only prayer is that the petitioners be protected from the arrest.

Notice of motion.

On the asking of the Court, Mr. Surinder Paul Singh, DAG, Haryana accepts notice on behalf of the State and submits that he has no objection if the petitioners appear 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, the present petition is allowed subject to the petitioners appearing before the trial Court. Since the next date fixed before the Trial Court is stated to be 30.09.2019, therefore, petitioners may appear before the Trial Court on or before 30.09.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioners shall be released on bail on their furnishing bail bond/surety to the satisfaction of the Trial Court.

22nd August, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*