

S.No.101

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

CRM-M-33206 of 2019 (O&M)

Date of Decision:17.08.2019

Mangat SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.S. Mahal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.145 dated 29.06.2017 registered under Sections 379, 380, 399, 402, 411, 414 IPC and 25/54/59 of Arms Act at Police Station City Kharar.

It is contended by counsel for the petitioner that in this very case, the petitioner was earlier granted bail pending trial by the trial Court. However, the petitioner could not appear on 14.07.2019 and 18.07.2019. As a result, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued against him. It is further contended by the counsel that non-appearance of the petitioner before the trial Court was not intentional. On 14.07.2019, the petitioner could not appear before the Court because one of his relatives at Ambala had expired. On 18.07.2019, the petitioner could not appear before Court because this date was fixed in quick succession and the petitioner had not received proper communication from his counsel in this regard. However, the petitioner does not want 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.

Ms. Amarjit Kaur Khurana, 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 27.08.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 27.08.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 17, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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