

Sr. No.108

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

CRM-M-33340-2019

Date of decision:19.08.2019

Ravinder Singh Kadan

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.58 dated 21.01.2018 for the offences punishable under Sections 148, 149, 379-A, 447, 506, 511 IPC of the Act registered at Police Station Karnal City, District Karnal.

Learned counsel for the petitioner contends that in this very case the petitioner was released on regular bail by the Trial Court. However, on one date, i.e., 31.07.2019, the petitioner could not appear before the Trial Court. Rather an application for exemption from personal appearance was moved. However, the same was dismissed by the Trial Court and the bail granted to the petitioner was cancelled. Now the warrants of arrest have been issued by the Trial Court and case before the Trial Court is fixed for 29.08.2019. It is further contended that the non-appearance of the petitioner before the Trial Court was not intentional. Rather the same had occurred because of the reasons beyond the control of the petitioner. In-fact, owing to a previous accident, the petitioner had felt

pain in shoulder on 30.07.2019. As a result, he had to be admitted in the hospital for two days. Accordingly, he remained admitted as in-door patient on 31.07.2019 and 01.08.2019. It is further submitted that the petitioner has no 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 only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri M.K.Sangwan, DAG, Haryana accepts notice on behalf of the State and submits that he has no objection if the petitioner appears before the Trial Court

Mr. J.S.Mehndiratta, Advocate, who is present in Court has put in appearance on behalf of the complainant and has pointed out that there is a strong possibility that the petitioner might have played fraud upon the Court regarding his claim qua his ailment because the petitioner was present before the Hon'ble High Court on 30.07.2019. Therefore, there is no likelihood of such a physical problem being suffered by the petitioner just on the next day. Hence, in all probability the acute illness pretended by the petitioner has been devised only to avoid appearance before the Trial Court. Therefore, the petitioner does not deserve any protection against his arrest.

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

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the petitioner appearing before the trial Court on or before 29.08.2019. 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.

19th August, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*