

S.No.110

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

CRM-M-34105 of 2019 (O&M)

Date of Decision:22.08.2019

Bhola and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rakesh Bakshi, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.711 dated 11.10.2015 registered under Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956 at Police Station City Yamuna Nagar.

It is contended by the counsel for the petitioners that in this very case, the petitioners were earlier released on bail pending trial. The petitioners were appearing before the trial Court. On 05.08.2019, the petitioners could not appear before the trial Court. As a result, their bail bonds have been cancelled and the warrants of arrest have been issued against them. However, it is submitted that the absence of the petitioners from the trial Court was not intentional. Rather the same has occurred due to bonafide mistake on the part of the petitioners. In fact, the petitioners have wrongly noted the date to be 07.08.2019, instead of 05.08.2019. When the petitioners went to the Court on 07.08.2019 only then they came to know of the fact that their bail have been cancelled. On the same day, they had moved an application for anticipatory bail, which now stands declined.

In view of the above facts, it is submitted by the counsel that the petitioners do not have any intention to flee from course of justice. They intend to appear before the trial Court to face further proceedings in accordance with law. The only prayer is that the petitioners be protected against their arrest.

Notice of motion.

Mr. Surinder Paul Singh, DAG, Haryana, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioners appear 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 petitioners appearing before the trial Court on or before 27.08.2019. It is further directed that in case the petitioners so appear before the trial Court on or before 27.08.2019 then they shall be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 22, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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