

Sr. No.103

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

CRM-M-35933-2019

Date of decision:30.08.2019

Rajinder Kumar @ Rajan

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Sandeep Kumar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This is a petition filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.1 dated 02.01.2019 under Section 379-B, 411 IPC registered at Police Station City, District Hoshiarpur.

Learned counsel for the petitioner submits that in this very case, the petitioner was earlier released on bail. However, the petitioner could not appear before the Trial Court on 20.08.2019. As a result, the bail granted to the petitioner has been cancelled by the Trial Court and warrant of arrest has been issued. Therefore, the petitioner apprehends his arrest. It is further submitted that non-appearance of the petitioner before the Trial Court was not intentional. Rather petitioner was in personal difficulty and an application was moved before the Trial Court for seeking exemption from personal appearance. In the said application, petitioner had even undertaken that he would not object to any evidence being recorded in his absence, if at all it is so recorded. Despite that, the application filed by the petitioner was rejected on the same date, warrant of arrest has been issued

against the petitioner. Still further it is 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, Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State of Punjab and submits that he has no objection if the petitioner appears 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 petitioner appearing before the trial Court on or before 09.09.2019. 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.

30th August, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*