

Sr. No.104

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

CRM-M-39042-2019

Date of decision:13.09.2019

Jashandeep Singh @ Gagan

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vivek Singla, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.83 dated 07.06.2015 for the offences punishable under Section 61 of the Punjab Excise Act registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that the petitioner was granted bail pending trial in this very case by the Trial Court. Thereafter, the petitioner had been regularly appearing to face further proceedings before the Trial Court. However, the petitioner could not appear before the Trial Court on 11.06.2019. Hence, the bail granted to the petitioner has been cancelled and warrant of arrest has been issued. The petitioner apprehends his arrest. It is further submitted that the absence of the petitioner before the Trial Court on the said date was not intentional. It had happened because of the acute illness of the grand-father of the petitioner on the given date. 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 arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh, 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 20.09.2019. 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.

13th September, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*