

S.No.105

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

CRM-M-45874 of 2019 (O&M)

Date of Decision:30.10.2019

Jasveer SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Hari Om Verma, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.33093 of 2019

Application is allowed as prayed for.

CRM-M-45874 of 2019

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.231 dated 21.09.2017 registered under Sections 411, 25/54/59 of Arms Act, 1959 at Police Station Raman, Tehsil and District Batinda.

It is contended by counsel for the petitioner that in this very case, the petitioner was earlier granted bail pending trial. The petitioner was appearing before the trial Court to face the proceedings. However, on 04.09.2019, the petitioner could not appear before the trial Court. Hence, the bail granted to the petitioner was cancelled and warrants of arrest were issued against him. It is further contended by the counsel for the petitioner that the non-appearance of the petitioner before the trial Court on the said date was not intentional. The same had happened due to inadvertent but bonafide mistake because of the misunderstanding of the petitioner. The petitioner had no intention to flee from course of justice. He intends to appear before the trial Court to face further proceedings in accordance with

law, as he was doing earlier. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Harbir Sandhu, AAG, 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 11.11.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.11.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 30, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No