

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

CRM-M No.47978 of 2019 (O&M)
DATE OF DECISION : 25th NOVEMBER, 2019

Jagmohan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Prateek Sodhi, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.101 dated 19.06.2017 registered under Sections 379-B & 34 IPC at Police Station Gharinda, District Amritsar.

It is contended by counsel for the petitioner that in this very case, the petitioner was granted bail pending trial by the trial court. The petitioner was regularly appearing to face the proceedings of the trial court. However, on 14.08.2019 the petitioner could not appear before the trial court. Hence, the bail granted to the petitioner was cancelled and warrants of arrest have been issued against him. However, the petitioner does not intend 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 against his arrest.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the State. He submits that the State has no objection to the protection

being given to the petitioners, subject to the condition that the petitioners will appear before the trial court.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain 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 10.12.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 10.12.2019 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

25th NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No