

S.No.104

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

CRM-M-51326 of 2019 (O&M)

Date of Decision:03.12.2019

Kuldeep Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Narinder S. Lucky, Advocate for the petitioners.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioners in case FIR No.91 dated 27.10.2017 registered under Sections 341, 323, 506, 34 IPC at Police Station Rureke Kalan, District Barnala,

It is contended by learned counsel for the petitioners that the petitioners were granted bail pending trial in this case. The petitioners appeared before the trial Court lastly on 07.09.2019. They noted the next date as 03.10.2019. However, the petitioners came to know later on that the case was fixed before the trial Court on 11.09.2019 and on that date, the bail granted to the petitioners has been cancelled and warrants of arrest have been issued against them. It is further contended by the counsel that the absence of the petitioners before the trial Court was not intentional. The same has occurred due to bonafide mistake in wrongly noting the date fixed before the trial Court. The petitioners does not have any intention to flee from course of justice. The petitioners 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.

Mrs. Amarjit Kaur Khurana, DAG, Punjab, 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 17.12.2019. It is further directed that in case the petitioners so appears before the trial Court on or before 17.12.2019 then they shall be released on bail on their furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 03, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

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