

S.No.109

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

CRM-M-51986 of 2019 (O&M)

Date of Decision:06.12.2019

Jaswinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jaspreet Singh Brar, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C seeking anticipatory bail in the event of arrest in case FIR No.11 dated 23.08.2014 registered under Sections 419/420/465/467/468/471/120-B IPC at Police Station NRI, District Moga as petitioner got absented on 22.08.2019 and resultantly the bail bonds and surety bonds of the petitioner were cancelled.

It is contended by learned counsel for the petitioner that in this case, the petitioner was earlier granted anticipatory bail. Pursuant to that, the petitioner had appeared before the trial Court and he was released on bail pending trial. Thereafter, the petitioner had been regularly appearing before the Court. However, on 22.08.2019, the petitioner could not appear before the trial Court. Hence, the bail granted to the petitioner has been cancelled and warrant of arrest has been issued against him. It is further submitted that the absence from the Court was not intentional on the part of the petitioner. In any case, the petitioner 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.

Mrs. Amarjit Kaur Khurana, DAG, 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 18.12.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 18.12.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 06, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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