

S.No.107

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

CRM-M-51981 of 2019 (O&M)

Date of Decision:06.12.2019

Vimal Kumar

.....Petitioner

Vs.

State of UT, Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Nisha, Advocate for Mr. S.S. Sarwara, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.425 dated 19.11.2018 registered under Sections 147, 149, 341, 323, 427, 506, 356, 379 IPC (Sections 411 and 395 IPC added later on) at Police Station Sector 31, Chandigarh.

It is contended by learned counsel for the petitioner that the petitioner was granted bail earlier in this case. The petitioner had been regularly appearing before the trial Court. On 04.07.2019, the petitioner noted the next date as 04.10.2019. On 30.9.2019, the Police came to the house of the petitioner in his absence to arrest him. Then the petitioner came to know on 30.09.2019 that the next date fixed before the Court was 17.08.2019 and not 04.10.2019, as the petitioner had wrongly noted. Since the petitioner had failed to appear on 17.08.2019, therefore, the warrant of arrest have been issued against the petitioner. Hence, the petitioner apprehends his arrest. The petitioner does not have any intention to flee from course of justice. The petitioner intends to appear before the trial Court, to face further proceedings in accordance with law. However, the only prayer is that the petitioner be protected against his arrest.

In view of the nature of the order which this Court intends to pass, the Court does not find it necessary to issue any notice to the opposite side. Hence, the present petition is being disposed of without issuance of the notice to the respondent.

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