

S.No.109

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

CRM-M-25368 of 2020 (O&M)

Date of Decision:01.09.2020

Sanjay

.....Petitioner

Vs.

The State of Haryana

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arav Gupta, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.274 dated 21.05.2020 registered under Section 174-A IPC at Police Station Sector 5, Panchkula (Haryana).

It is contended by counsel for the petitioner that the petitioner was earlier declared as Proclaimed Offender in the main case and resultantly, the present FIR has been lodged against him. However, even as per the record of the trial Court, the petitioner was never served properly. In the first instance, the complainant did not furnish the correct addresses of the petitioner; for service of summons upon him in the main case. Even the last report was qua the information from the brother of the petitioner that the petitioner was not residing at that place. Still further, it is submitted that, in fact, for the past 4-5 years, the petitioner is residing at a rented accommodation; different than the one where he was residing at the time of availing of the loan. But since the petitioner now has come to know about the proceedings pending against him, therefore, the petitioner intends to appear before the trial Court to face further proceedings in accordance with

law; in the main case; as well as; in the present FIR. However, the petitioner deserves to be protected from being taken into custody.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court.

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.

Since the petitioner has shown his inclination to appear before the trial Court in the present FIR, as well as, in the main case, therefore, it would not be unjustified if the petitioner is protected against his arrest.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 15.09.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 15.09.2020; then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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