

Sr. No.138

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

**CRM-M-39315-2018
Date of decision:07.09.2018**

Baljinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jasdev Singh Brar, Advocate and
Mr. Guninder Singh Brar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.85 dated 26.08.2015 for the offences punishable under Sections 18/61 of NDPS Act, 1985 registered at Police Station Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that earlier the petitioner was granted bail pending trial in this case by the Trial Court. However, due to unavoidable circumstances, the petitioner could not appear before the Trial Court on one date. Therefore, vide Order date 30.08.2018, the bail of the petitioner was canceled by the Trial Court and warrants of arrest were issued. Hence the petitioner apprehends his arrest in the above said case. It is the contention of learned counsel for the petitioner that the petitioner has no intention to flee from the course of justice. The prayer is only that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri Hitten Nehra, Addl.AG,

Punjab accepts notice on behalf of the State of Punjab and submits that he has no 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.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 10.10.2018. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

7th September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*