

Sr. No.106

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

**CRM-M-44847-2018
Date of decision:10.10.2018**

Kuldeep Kumar

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.43 dated 28.09.2017 for the offence punishable under Section 21 of the NDPS Act,1985 registered at Police Station GRP Sangrur, District Sangrur.

Learned counsel for the petitioner contends that earlier the petitioner was granted bail pending trial by the Trial Court. The petitioner then kept appearing before the Trial Court regularly. However, on 27.08.2018, the petitioner could not appear because he had noted the wrong date for appearance before the Trial Court. Resultantly, the bail granted to the petitioner was canceled and the warrants have been issued against him. It is further contended that the petitioner does not have any intention to flee from the course of justice. He intends to appear before the Trail Court now. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh,DAG, 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 12.10.2018. 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.

10th October, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*