

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

CRM-M-56076-2018 (O&M)

Date of decision:18.12.2018.

Vipin Solanki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 438 of Code of Criminal Procedure (for short 'Cr.P.C) for grant of anticipatory bail in FIR No.41, dated 22.03.2017, under Section 22 of NDPS Act, registered at Police Station Garhshankar, District Hoshiarpur as non-bailable warrants have been issued against the petitioner vide order dated 11.10.2018.

Learned counsel for the petitioner contends that in this very case, the petitioner was granted bail pending trial. Thereafter, the petitioner had been regularly appearing before the trial Court. However, on 18.09.2018, the case was adjourned by the trial Court for 11.10.2018. But the petitioner as well as his counsel, both noted the date wrongly as 11.11.2018 instead of 11.10.2018. It is on 11.10.2018 only, when the counsel for the petitioner saw the cause list of the concerned Court, he came to know of the date fixed before the Court. Thereafter, the counsel for the petitioner did inform the petitioner qua the date fixed on 11.10.2018.

However by that time, the petitioner had already gone to Delhi. Therefore, the petitioner could not appear before the trial Court on the given date.

Resultantly, the bail granted to the petitioner has been cancelled and the warrants of arrest have been issued. Hence, the petitioner apprehends his arrest. It is further contended by the counsel that the petitioner has no intention to flee from the course of justice. The petitioner is ready to appear before the trial Court to face further proceedings. The only prayer made is that the petitioner be protected from his arrest.

Notice of motion.

Mr. Hittan Nehra, Additional Advocate General, Punjab has put in appearance on behalf of the State and submits that he has no objection, if the petitioner appears before the trial Court to face the further proceedings.

Heard.

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 22.12.2018. 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 bonds/sureties to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

18.12.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No