

S.No.208

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

CRM-M-62218 of 2018 (O&M)

Date of Decision:24.12.2018

Madan LalPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Jasmine, Advocate for
Mr. Rituraj Singh, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking grant of anticipatory bail to the petitioner in case FIR No.40 dated 01.05.2015 registered under Sections 22, 61 and 85 of NDPS Act, 1985 at Police Station Mahilpur, District Hoshiarpur.

It is contended by counsel for the petitioner that in this very case, the petitioner was earlier granted regular bail. The petitioner was appearing before the trial Court regularly. However, due to unavoidable circumstances, the petitioner could not appear before the trial Court on 05.10.2018. Because of this default, the bail of the petitioner has been cancelled and the warrants of arrest have been issued. Therefore, the petitioner apprehends his arrest. It is further contended by the counsel that the petitioner does not have any intention to flee from course of justice. The petitioner intends to appear before the trial Court. However, the only prayer is that the he be protected against his arrest.

Mr. Jagmohan Ghuamn, DAG, Punjab 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.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 03.01.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 03.10.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 24, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No