

Sr. No.103

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

CRM-M-1902-2019

Date of decision:17.01.2019

Surjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Arora, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.184, dated 15.06.2015 for the offences punishable under Sections 21/22 of Narcotics Drugs and Psychotropic Substances Act registered at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner contends that in the first instance, the petitioner was granted bail pending trial in this case only. However, on the last date of hearing the petitioner as well as his counsel, both wrongly noted the date as 28.08.2017, whereas, the actual date fixed before the Trial Court was 18.08.2017. As a result, petitioner could not appear on the date fixed. Hence the process for issuance of non-bailable warrants against the petitioner was initiated. However, the warrants were never served upon the petitioner. 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 V.G.Jauhar, Sr.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 28.01.2019. 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.

17th January, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*