

S.No.101

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

CRM-M-3525 of 2019 (O&M)

Date of Decision:25.01.2019

Ajay Kumar @ Dheru

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.04 dated 06.01.2015 registered under Sections 21/22 of NDPS Act at Police Station Sadar, District Kapurthala.

Learned counsel for the petitioner contends that in this very case, the petitioner was already granted bail pending trial. He had been regularly appearing before the trial Court. However, the petitioner could not appear on 22.11.2018 because he had wrongly noted the date as 27.11.2018 and accordingly, he had gone on his duty as a truck driver on that date. It is further contended by the counsel that the petitioner has no intention to flee from course of justice. He would be appearing before the Court, like before and would not absent himself from the proceedings. The petitioner intends to appear before the Court now. The only prayer is that he be protected against his arrest.

Notice of motion.

Mr. S.S. Cheema, AAG, Punjab, accepts notice on behalf of the State. Learned State Counsel 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 01.02.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 01.02.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 25, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No