

S.No.104

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

CRM-M-9511 of 2019 (O&M)

Date of Decision:01.03.2019

Vakeel Ram @ Vakeela

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sanjeev Manhas, 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.49 dated 13.06.2017 registered under Section 18 of NDPS Act at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner contends that in this very case, the petitioner was granted bail pending trial. Thereafter, the petitioner was appearing before the trial Court and was facing the proceedings. However, on 29.03.2018, the elder brother of the petitioner had expired. Therefore, the petitioner was burdened with some unexpected responsibilities and problems. As a result, the petitioner could not appear on some dates. Hence, the trial Court has cancelled the bail granted to the petitioner and has issued warrants of arrest. It is further submitted by the counsel that the petitioner has no intention to flee from course of justice. The petitioner intends to appear before the trial Court and to face the proceedings in accordance with law. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. K.S. Aulakh, DAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court to face the proceedings.

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 11.03.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.03.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 01, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No