

Sr. No.102

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

CRM-M-11429-2019

Date of decision:13.03.2019

Rajat Sharma @ Billa

.....Petitioner

versus

State of Punjab

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sukhdev Singh Khokher, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.45 dated 06.03.2016 for the offences punishable under Section 21 of the NDPS Act registered at Police Station Dera Bassi, District SAS Nagar.

Learned counsel for the petitioner contends that in this very case, the petitioner was earlier granted bail pending trial. However, on 12.02.2019, the petitioner could not appear before the Trial Court when the case was called. Hence his bail has been cancelled by the Trial Court and the warrants of arrest has been issued against him. Accordingly the petitioner apprehends his arrest. It is further submitted that absence before the Trial Court on the said date was not deliberate. In fact, the petitioner had gone out of station in connection of a marriage. By the time he returned on 12.02.2019, the Court had already risen and order cancelling the bail had already been passed. Counsel further submits that the petitioner has no intention to flee from the course of justice. He intends to appear before the Trail Court, as he was earlier doing. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh, 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 16.03.2019. 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.

13th March, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*