

S.No.103

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

CRM-M-12494 of 2019 (O&M)

Date of Decision:18.03.2019

Suresh Kumar alias Gora

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurveer Singh Sidhu, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in case FIR No.0187 dated 09.08.2018 registered under Section 22 of the NDPS Act, 1985 at Police Station Kotwali, District Bathinda.

Learned counsel for the petitioner submits that so far as merits of the case are concerned, the Police themselves had found the petitioner to be innocent. Hence, on an application moved under Section 169 Cr.P.C., the petitioner was discharged from the custody by the Court. However, he was directed to furnish bonds for appearance before the trial Court. Thereafter, the petitioner continued to appear to face the further proceedings, if any. However, on 31.01.2019, the petitioner could not appear before the trial Court. Hence, the bail granted to the petitioner has since been cancelled and the warrants of arrest have been issued against him. It is further submitted by the counsel that non-appearance before the trial Court was not intentional on the part of the petitioner. The same had resulted because the petitioner had noted the date wrongly to be 13.02.2019 instead of 31.01.2019. It is 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 to face further proceedings, if any, 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 further 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 29.03.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 29.03.2019; then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 18, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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