

S.No.105

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

CRM-M-14041 of 2019 (O&M)

Date of Decision:28.03.2019

Feroj Alam KhanPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in case FIR No.84 dated 17.10.2014 registered under Section 22 of NDPS Act at Police Station City-II, Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that earlier the petitioner was released on interim bail in this very case. However, he could not surrender before the Court in time because in the meantime, he was diagnosed with cancer and started taking the treatment for the same from hospital at Jaipur. The treatment is continuing even now. However, the petitioner has come to know that the trial Court has declared the petitioner as proclaimed offender on 21.05.2016. Now since the petitioner has come to know of the order and is also feeling a little bit better of his ailment, therefore, he intends to appear before the trial Court. It is further submitted that the petitioner has no intention to flee from course of justice. The prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. P.S. Walia, 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 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 03.04.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 03.04.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 28, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No