

S.No.103

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

CRM-M-15438 of 2019 (O&M)

Date of Decision:04.04.2019

Surinder Singh @ Shalu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Harshit Jain, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in case FIR No.0058 dated 04.06.2018 registered under Section 22 of NDPS Act at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner contends that in this very case, the petitioner was granted bail by the trial Court. Therefore, he had been regularly appearing before the trial Court. However, on 11.03.2019, the petitioner could not appear before the trial Court because he was having problem of diarrhea. Therefore, the bail granted to the petitioner has been cancelled. Hence, the petitioner apprehends his arrest. However, the petitioner does not have any intention to flee from course of justice. He intends to appear before the Court to face further proceedings in accordance with law. The only prayer is that the petitioner may 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.

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 11.04.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 11.04.2019, then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 04, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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