

Sr. No.101

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

CRM-M-17296-2019

Date of decision:22.04.2019

Sarwan Singh @ Sonu Jeetar

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.114, dated 24.03.2015 for the offences punishable under Section 22 of NDPS Act registered at Police Station Division A, District Amritsar.

Learned counsel for the petitioner contends that in this very case, the petitioner was granted bail by the Trial Court. Thereafter, the petitioner had been regularly appearing before it. However, on 28.02.2019 the petitioner could not appear before the Trial Court. Hence, bail granted to the petitioner has been cancelled and warrants of arrest has been issued against him. Therefore, he apprehends his arrest. It is further contended by the learned counsel that absence from the Trial Court was not intentional on the part of the petitioner. Rather, the same had occurred due to inadvertent mistake because the petitioner as well as his counsel, both had wrongly noted the date to be 28.03.2019 instead of 28.02.2019. Petitioner does not have any intention to flee from the course of justice. He intends to appear before the Trial Court to face the proceedings in accordance with law. 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 29.04.2019. 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.

22nd April, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*