

S.No.102

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

CRM-M-23306 of 2019 (O&M)

Date of Decision:21.05.2019

Jaswinder Singh @ Johny @ Jassi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking anticipatory bail to the petitioner in case FIR No.71 dated 03.06.2018 registered under Section 22 of the NDPS Act at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that in this very case, the petitioner was granted bail pending trial. Thereafter, the petitioner was regularly appearing before the trial Court. However, due to unavoidable circumstances, the petitioner could not appear before the trial Court on 03.05.2019. Resultantly, the bail granted to the petitioner was cancelled by the trial Court. Warrants of arrest have been issued against the petitioner and notice has been issued to the surety as well. It is further contended by the counsel that non-appearance of the petitioner before the trial Court was not intentional . However, the same has occurred due to inadvertent mistake because the petitioner had wrongly noted the date to be 06.05.2019 instead of 03.05.2019. However, the petitioner does not have any intention to flee from course of justice. He intends to appear before the trial Court to face further proceedings 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 24.05.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 24.05.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 21, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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