

Sr. No.103

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

CRM-M-31152-2019

Date of decision:23.07.2019

Satnam Singh and another

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Taranjit Kaur Hundal, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.0032, dated 01.04.2017 for the offences punishable under Sections 21/61/85 of the NDPS Act and under Section 482 of the IPC registered at Police Station Lohian, District Jalandhar Rural.

Learned counsel for the petitioners contends that in this very case the petitioners were granted bail pending trial. However, on 15.05.2019, the petitioners could not appear before the Trial Court. As a result thereof, the bail granted to the petitioners were cancelled and warrants of arrest have been issued against the petitioners. Hence, the petitioners apprehend their arrest. It is further submitted that the absence of the petitioners from the Trial Court was not intentional. Rather; the same had occurred due to bonafide mistake in noting down the wrong date of hearing fixed before the Court. It is also submitted that even after the warrants of arrest had been issued in this case, the petitioners did appear before the same Court in another case on 06.06.2019. This shows bonafide of the petitioners. Learned counsel for the petitioners has further submitted that

the petitioners have no intention to flee from the course of justice. They intends to appear before the Trial Court, as earlier, to face further proceedings in accordance with law. The only prayer is that the petitioners 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 them from being arrested.

In view of the above, the present petition is allowed. The petitioners may appear before the trial Court on or before 29.07.2019. It is further directed that in case, the petitioners so appear before the trial Court then the petitioners shall be released on bail on their furnishing bail bond/surety to the satisfaction of the Trial Court.

23rd July, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*