

Sr. No.106

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

CRM-M-31510-2019

Date of decision:25.07.2019

Raj Singh @ Raju Mistri

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.23, dated 05.05.2018 for the offences punishable under Section 22 of the NDPS Act registered at Police Station Khemkaran, District Tarn Taran.

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, on 08.02.2019 the petitioner could not appear before the Trial Court. Hence, his bail has been cancelled and warrants of arrest have been issued against him. It is further submitted that the absence of the petitioner from the Trial Court was not intentional. The non-appearance of the petitioner resulted because of inadvertent mistake in noting the next date of hearing as 02.08.2019 instead of 08.02.2019. It is further submitted that the petitioner does not have any intention to flee from the course of justice. He intends to appear before the Trial Court. The only prayer is that the petitioner be protected from the arrest.

Notice of motion.

On the asking of the Court, Mrs. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State of Punjab and submits that she 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. The petitioner may appear before the trial Court on or before 31.07.2019. It is further directed that in case, the petitioner so appear 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.

25th July, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*