

S.No.108

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

CRM-M-33558 of 2019 (O&M)

Date of Decision:20.08.2019

Anwer Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Arora, Advocate
 for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in the case arising out of FIR No.44 dated 03.07.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khem Karan, District Tarn Taran.

It is contended by learned counsel for the petitioner that in this very case, earlier the petitioner was released on interim bail by the trial Court, awaiting report from the FSL. The petitioner was accordingly appearing before the trial Court. On 02.03.2019, the case was adjourned for 16.04.2019. However, 16.04.2019 was declared as a holiday and the case was taken up subsequently in quick succession on 18.04.2019. However, the petitioner was not made aware of the date fixed for 18.04.2019. Accordingly, the petitioner could not appear before the trial Court on 18.04.2019. As a result thereof, the interim bail granted to the petitioner has been cancelled and warrant of arrest have been ordered to be issued against the petitioner. Therefore, the petitioner apprehends his arrest. It is further submitted that the petitioner has no intention to flee from course

of justice. He intends to appear before the trial Court to face further proceedings in accordance with law, as he was facing earlier. The only prayer is that the petitioner be protected against his arrest. It is also submitted that the FSL report has not been received even now.

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 28.08.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 28.08.2019 then the interim bail granted to the petitioner by the trial Court would be restored by the trial Court.

August 20, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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