

S.No.105

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

CRM-M-35558 of 2019 (O&M)

Date of Decision:29.08.2019

Sandeep alias Seepa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Varun Sharma, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.109 dated 27.05.2017 registered under Section 22 of NDPS Act at Police Station Goraya, Jalandhar.

It is contended by learned counsel for the petitioner that in this very case, the petitioner was already on bail. He was appearing before the trial Court. On 03.06.2019, the case was fixed for hearing. The petitioner did go to the Court complex on the said date. He checked the cause list of the Court of Manjinder Singh, Additional Sessions Judge, Jalandhar. His case was not in the cause list. The petitioner contacted the staff of the Court, who told him that his case was not fixed for that date and it may be fixed for some other date. Counsel for the petitioner was not present in the Court on that date because of some personal difficulty. Even after 03.06.2019, the petitioner was not communicated proper date by the counsel. Later on, it transpired that the petitioner was under a mistaken impressions and the case was, in fact, fixed in the Court of Manjinder Kaur, Additional Sessions Judge, Jalandhar and not in the Court of Manjinder Singh, Addiotional and Sessions Judge, Jalandhar. Since the petitioner

could not appear on 03.06.2019 and on subsequent date because of the above said confusion, warrants of arrest have been issued against the petitioner. Hence, 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. 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 10.09.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 10.09.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

August 29, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No