

Sr. No.101

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

CRM-M-35911-2019

Date of decision:30.08.2019

Harpreet Singh @ Denny

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This is a petition filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.257 dated 27.11.2017 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Division No.1, District Jalandhar.

Learned counsel for the petitioner submits that in this very case earlier the petitioner was granted bail by this Court on 08.10.2018. Thereafter, the petitioner was appearing before the Trial Court. However, on 14.03.2019, the petitioner could not appear before the Trial Court, therefore, warrants of arrest have been issued against the petitioner. Even for the execution of the warrants; wrong report have been submitted to the Court that the petitioner was in custody in some other case. Accordingly, the Trial Court issued production warrants against the petitioner; as well. It is further submitted that Court has been mislead to issue the production warrants because the petitioner is not in custody in any other case. On the given date the petitioner could not appear before the Trial Court because at that time, the son-in-law of the petitioner had expired and in that family problem; the

petitioner forgot the date of hearing. It is also submitted that the petitioner has no intention to flee from the 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 from the arrest.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, 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 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 11.09.2019. It is further directed that in case, the petitioner so appears 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.

30th August, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*