

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

**CRM-M No.38798 of 2019**  
**DATE OF DECISION : 12<sup>th</sup> SEPTEMBER, 2019**

**Deepak @ Deepu**

**.... Petitioner(s)**

**Versus**

**State of Haryana**

**.... Respondent(s)**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present :     Mr. Bhavdeep Singh Mamli, Advocate for  
                  Mr. R. S Mamli, Advocate for the petitioner.

Mr. Sunil Jain, APP for U.T. Chandigarh.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0511 dated 08.09.2018 registered under Section 21(b) of Narcotics Drugs & Psychotropic Substances Act, 1985, at Police Station City Fatehabad.

It is contended by counsel for the petitioner that in this very case, the petitioner was granted bail pending trial by the trial court. Petitioner was appearing before the trial court regularly. However, on 19.04.2019 the petitioner could not appear before the trial court. Hence, his bail has been cancelled and warrant of arrest had been issued by the court. Therefore, the petitioner apprehends his arrest. It is further submitted that, however, the absence of the petitioner was not intentional. The absence had occurred because on the same day the police at Bathinda had also fabricated a case against the petitioner and the petitioner had to file application for seeking anticipatory bail on 19.04.2019 itself. The application moved by the petitioner on 19.04.2019, before the courts at Bathinda is also attached with the petition.

In view of this it is submitted by the counsel for the petitioner that the petitioner does not have any intention to flee from the course of justice. Petitioner 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.

On the asking of the Court, Mr. Surinder Paul Singh, Deputy Advocate General, Haryana, accepts notice on behalf of the State of Haryana 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, order dated 19.04.2019 (Annexure P-2) is quashed subject to the petitioner appearing before the trial Court on or before 18.09.2019. 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.

12<sup>th</sup> September, 2019  
'raj'

(RAJBIR SEHRAWAT)  
JUDGE

*Whether speaking/reasoned:*

*Yes*

*No*

*Whether Reportable:*

*Yes*

*No*