

S.No.136

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

CRM-M-37988 of 2019 (O&M)

Date of Decision:09.09.2019

Jaspreet Singh @ Lovely

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of order dated 31.07.2019 vide which the bail order and surety bonds of the petitioner has been cancelled and non bailable warrant has been issued against him in a case FIR No.46 dated 14.07.2016 registered under Section 22 of NDPS Act at Police Station Dera Baba Nanak, Batala, District Batala.

It is contended by counsel for the petitioner that in this very case, earlier the petitioner was released on bail. The petitioner has been appearing before the trial Court to face the proceedings. However, on 31.07.2019 and on some subsequent date, the petitioner could not appear before the trial Court. Hence, the bail granted to the petitioner has been cancelled and warrant of arrest have been issued against him. It is submitted by counsel for the petitioner that non-appearance of the petitioner before the trial Court was not intentional. Rather the same had happened because the petitioner is driver by profession and he had gone to J & K at the relevant time, from where he could not return in time. However, the petitioner has no intention to flee from course of justice. He intend 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.

Ms. Amarjeet Kaur Khurana, 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 and the impugned order is set aside subject to the petitioner appearing before the trial Court on or before 15.10.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 15.10.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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