

Sr. No.103

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

CRM-M-39041-2019

Date of decision:13.09.2019

Raj Kumar @ Raju and another

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking anticipatory bail in FIR No.21 dated 10.03.2017 for the offences punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, Section 379(later on added Section 471) of IPC registered at Police Station Mehna, District Moga.

Learned counsel for the petitioners contends that the petitioners in this very case; were granted bail pending trial by the Trial Court. Thereafter, the petitioners had been regularly appearing to face further proceedings before the Trial Court. However, on 25.07.2019, the petitioners could not appear before the Trial Court. Therefore, the bail granted to the petitioners was cancelled and warrants of arrest have been issued. Hence, the petitioners apprehend their arrest. It is further submitted that the absence of the petitioners before the Trial Court on the said date was not intentional. Rather the clerk of the counsel for the petitioners, appearing before the Trial Court, had intimated the date to be 25.09.2019 instead of 25.07.2019. Therefore, the petitioners could not appear on 25.07.2019 and

the petitioners came to know of the fact that their bail has been cancelled only when, in his absence, Police came to arrest the petitioners. Still further, it is submitted that the petitioners have no intention to flee from the course of justice. They intend to appear before the Trial Court to face further proceedings in accordance with law. The only prayer is that the petitioners be protected from arrest.

Notice of motion.

On the asking of the Court, Shri K.S.Aulakh, 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 petitioners appearing before the Trial Court on or before 20.09.2019. It is further directed that in case, the petitioners so appear before the Trial Court then the petitioners shall be released on bail on their furnishing bail bond/surety to the satisfaction of the Trial Court.

13th September, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*