

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

CRM-M No.43253 of 2019 (O&M)
DATE OF DECISION : 14th OCTOBER, 2019

Bhupinderjit Singh @ Sabi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Ravi Malhotra, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of bail in case FIR No.236 dated 19.11.2017 registered under Section 22 of Narcotics Drugs & Psychotropic Substances Act at Police Station Kartarpur, District Jalandhar rural.

It is contended by the counsel for the petitioner that the petitioner was regularly appearing before the trial court in this case. However, on 04.04.2019 the petitioner could not appear before the trial court. As a result, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued against him. It is further contended that non-appearance of the petitioner before the trial court was not intentional. Rather, the petitioner was admitted to drug de-addiction centre and, therefore, he had informed his counsel to move an application for exemption from personal appearance. However, the said application was not moved by the counsel. The petitioner was told the next date as 09.09.2019. However, as it turned out later on, the next date fixed before the trial court also was 09.05.2019 and not 09.09.2019. Hence, the petitioner could not appear before the trial court even on the next

date. Still further it is submitted that the petitioner has no intention to flee from the courts of justice. He intends to appear before the trial Court to face further proceedings in accordance with law, as he was doing earlier. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab accepts notice on behalf of the State. He submits that the State has no objection to the protection being given to the petitioner, subject to the condition that he will appear 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 29.10.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 29.10.2019 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

14TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>