

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

CRM-M No.43114 of 2019 (O&M)
DATE OF DECISION : 14th OCTOBER, 2019

Saleem Ansari

.... Petitioner

Versus

Union Territory of Chandigarh

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Ankit Chowdhri, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. praying for setting aside order dated 18.09.2019 (Annexure P-2) passed by the Judge, Special Court, Chandigarh while dismissing application filed by the petitioner seeking exemption from personal appearance in case titled *State vs. Salim Ansari* bearing case number NDPS/73/2017 arising out of FIR No. 65 dated 02.03.2016 registered under Section 22 of Narcotics Drugs & Psychotropic Substances Act at Police Station Manimajra, Chandigarh and order dated 30.09.2019 whereby the fresh non-bailable warrants of arrest have been issued against the petitioner.

It is contended by the counsel for the petitioner that during the course of trial the petitioner was granted bail pending trial in the year 2017. Thereafter, the petitioner was regularly appearing before the trial court. The case has reached the stage of statement of the accused under Section 313 Cr.P.C. However, on 18.09.2019 the petitioner could not appear before the trial court due to some personal work. He had informed the counsel in this regard. Counsel had moved an application for exemption from personal appearance. However, the court declined

the application and has issued warrants of arrest against the petitioner. Hence, the petitioner apprehends his arrest. It is further submitted that the absence of the petitioner from the trial court was for the reasons beyond his control. 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.

In view of the nature of the order which this Court intends to pass, the Court does not find it necessary to issue any notice to the opposite side, at this stage. Hence, the present petition is being disposed of without issuance of the notice to the respondent.

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 31.10.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 31.10.2019 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>