

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

CRM-M No.47136 of 2019 (O&M)
DATE OF DECISION : 5th NOVEMBER, 2019

Anil Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Narinder S. Lucky, 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 anticipatory bail in case FIR No.39 dated 15.04.2015 registered under Section 21 & 18 of Narcotics Drugs & Psychotropic Substances Act at Police Station Bhogpur, District Jalandhar.

It is contended by the counsel for the petitioner that the petitioner was granted bail pending trial. He was regularly appearing before the trial court in this case. The evidence of the prosecution is almost over. However, in the meantime the petitioner had fallen prey to drug addiction. Therefore, the family of the petitioner had got him admitted into a drug de-addiction centre. But since that drug de-addiction centre was found to be illegal by the authorities, therefore, petitioner was shifted to another drug de-addiction centre. Still further it is submitted that under the influence of the drugs, the petitioner had even lost his mental balance, which led him to leaving the drug de-addiction centre. In the meantime, the date was fixed before the trial court. Petitioner could not appear before the trial court on 15.05.2019. Therefore, the warrants of arrest were issued by the trial court. Since the petitioner had not appeared before the trial court, therefore, the petitioner

could not be aware of the next date fixed as well. However, thereafter some member of the family of the petitioner contacted him and disclosed the dates fixed before the trial court to the petitioner. It is also submitted that since the petitioner has come to know now that he is required to appear before the trial court, therefore, 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.

Mrs. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State. She 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 14.11.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 14.11.2019 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

5th NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No