

S.No.106

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

CRM-M-47721 of 2019 (O&M)

Date of Decision:08.11.2019

MangaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Thakur, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking concession of anticipatory bail to the petitioner in case FIR No.15 dated 14.02.2019 registered under Section 21 of NDPS Act at Police Station Lohian, District Jalandhar Rural.

It is contended by learned counsel for the petitioner that the petitioner was granted bail pending trial by the trial Court on 29.03.2019. Thereafter, the petitioner had been appearing to face the trial. However, on 30.08.2019, the petitioner could not appear before the trial Court. Hence, on the next date, the bail granted to the petitioner has been cancelled and the warrant of arrest has been issued against the petitioner. Hence, the petitioner apprehends his arrest. It is further submitted that the petitioner has no intention to flee from course of justice. The absence of the petitioner from the trial Court was not intentional. Rather, the same had occurred because of the fact that the petitioner is resident of an area which was badly affected by the floods at that time and the petitioner was facing the problems arising from that flood. However, now the petitioner intends 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.

Mr. Harbir Sandhu, AAG, 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 subject to the petitioner appearing before the trial Court on or before 20.11.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 20.11.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 08, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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