

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

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**CRM-M No. 48607 of 2019
Date of decision : 18.11.2019**

Amrik Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vinay Kumar Gupta, Advocate, for the petitioner

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. 87 dated 13.9.2017, registered under Sections 21/22 Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Fatehgarh Panjtoor, District Moga.

It is contended by the learned counsel for the petitioner that in this case the petitioner was earlier released on bail pending trial. She was regularly appearing before the trial Court to face proceedings. However, on 5.10.2019, she could not appear before the trial Court because of mis-understanding. As a result, bail granted to her, has been cancelled and warrants of arrest has been issued against her for 4.12.2019. It is further contended that absence of the petitioner before the trial Court was not intentional. The same has happened because of the circumstances beyond the control of the petitioner. The petitioner does not have any intention to flee from the Court of justice and is ready to face further proceedings in accordance with law. The only prayer is

that the petitioner be protected against her arrest.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, 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 her sincere intention and desire to appear before the Court, then it would not be unjustified to protect her 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 4.12.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 4.12.2019 then she shall be released on bail on her furnishing bail bonds/sureties to satisfaction of the trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

18.11.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No