

S.No.101

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

CRM-M-64478 of 2018 (O&M)

Date of Decision:07.01.2019

Nitin Phawa alias Bunty

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition under Section 438 Cr.P.C seeking pre-arrest bail in case FIR No.228 dated 04.11.2017 registered under Sections 20 & 61 of NDPS Act at Police Station Jamalpur, Police Commissionerate Ludhiana, District Ludhiana Dharamkot District Moga and stay of order dated 07.12.2018 whereby the non-bailable warrants were issued against the petitioner.

Learned counsel for the petitioner contends that the petitioner was granted bail pending trial in this case. Thereafter, the petitioner had been regularly appearing before the trial Court. However, on two dates, he could not appear before the trial Court due to unavoidable circumstances. Therefore, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued. It is further contended by the counsel that the petitioner has no intention to flee from course of justice. He intends to appear before the trial Court to face the further proceedings. The only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mr. K.S. Aulakh, 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.

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 02.02.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 02.02.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 07, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

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