

S.No.108

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

CRM-M-52256 of 2019 (O&M)

Date of Decision:07.12.2019

Jatinder Kumar @ Jinda

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Buta Singh Bairagi, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of impugned order dated 10.09.2019 passed by the trial Court in FIR No.12 registered under Section 15 of NDPS Act dated 15.01.2017 whereby arrest warrants have been issued and PO proceedings were initiated against the petitioner.

It is contended by counsel for the petitioner that the petitioner was granted bail pending trial in this case. Thereafter, the petitioner had been regularly appearing before the trial Court to face the proceedings of the trial. However, on 10.09.2019, the petitioner could not appear before the trial Court. Hence, the bail granted to the petitioner has been cancelled and warrants of arrest have been issued against him. After issuance of warrants of arrest, now the case is fixed for 10.12.2019. The absence of the petitioner before the trial Court was not intentional. Rather, the same had happened because the co-accused of the petitioner had expired and the proceedings were not going on, therefore, under a wrong impression, the petitioner could not appear. However, the petitioner has no intention to flee from course of justice. He 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.

Mrs. 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 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 and the impugned order dated 10.09.2019 is quashed, subject to the petitioner appearing before the trial Court on or before 10.12.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 10.12.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 07, 2019
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(RAJBIR SEHRAWAT)
JUDGE

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