

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 9236 of 2020
Date of Decision: 02.3.2020**

Imtiaz Ahmad Mir and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Munish Puri, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioners seek anticipatory bail in case FIR No. 101 dated 18.8.2018, registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 465, 467, 468, 471 IPC (added later on), Police Station Division No. 2, Pathankot as due to non-appearance non-bailable warrants were issued against them vide order dated 23.10.2019 (Annexure P-5).

Learned counsel for the petitioners has pointed out that from 4.10.2019 the case was adjourned to 23.10.2019 and as per the cause list (Annexure P-3), the case was not listed on the said date and non-appearance of the petitioners on 23.10.2019 was not intentional. The petitioners earlier sought exemption which was granted by the trial Court.

Notice of motion.

At the asking of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab, present in Court, accepts notice on behalf of the State. Copy of the paper book has been supplied to him.

In the present case, the petitioners had been regularly appearing

before the trial Court and could not appear before the trial Court on 23.10.2019.

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.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioners to surrender before the trial Court on 6.3.2020 i.e. the date fixed. On doing so, they shall be released on bail subject to their furnishing fresh bail bond/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

March 02, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No