

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

CRM-M-51952-2021
Date of decision: 14.12.2021

Gurwinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarun Sharma, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.09 dated 30.01.2021, registered at Police Station Sadar Moga, District Moga, under Sections 21 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that the petitioner was indicted on the basis of the disclosure statement of the co-accused, from whom the recovery had been effected; that the petitioner was granted regular bail by this Court, vide order dated 16.07.2021 passed in CRM-M-20526-2021; that the petitioner had been regularly appearing before the trial Court, but could not appear before it on 21.10.2021 due to his illness. In support of his assertion, the petitioner has placed upon OPD slip (Annexure P-3). The absence of the petitioner before the trial Court was not intentional and rather it was due to the reason stated above. The petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Harpreet Singh Multani, AAG, Punjab, accepts notice on behalf of the respondent-State and opposes the submissions made by the learned counsel for the petitioner.

I have heard the learned counsel for the parties.

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 judgments. The absence of the petitioner before the Court below appears to be non-intentional. 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.

The petitioner absented himself from the court proceedings on 21.10.2021. He is now not required for any investigation or interrogation purposes and rather, he is only to face the trial. Therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the above facts, but without commenting upon the merits of the case, the petitioner is directed to surrender before the trial Court/Duty Magistrate within ten days from today. On his doing so, he shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

14.12.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No