

Sr. No.143

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

CRM-M-40610-2019(O&M)
Date of decision:23.09.2019

Surinder Singh

..... Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking quashing of the Order dated 24.05.2019(Annexure P-2) passed by the learned Judge Special Court, Jalandhar in FIR No.122 dated 10.06.2014 for the offences punishable under Section 21 of the NDPS Act registered at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner contends that in this case, which is pending since the year 2014, the petitioner was granted default bail on 01.04.2015. Thereafter, the petitioner had been regularly appearing before the Trial Court, to face the proceedings. However, on 24.05.2019 the petitioner could not appear before the Trial Court due to ill health. As a result, the bail granted to the petitioner has been cancelled and warrant of arrest had been issued by the Court. Therefore, the petitioner apprehends his arrest. It is further submitted by learned counsel for the petitioner that non-appearance of the petitioner before the Trial Court was not intentional. Rather, the same had happened due to the reasons beyond the control of the petitioner. The petitioner does not have any intention to flee from the

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 from the arrest.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the State of Punjab and submits that State has no 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 Order dated 24.05.2019(Annexure P-2) is quashed subject to the petitioner appearing before the trial Court on or before 27.09.2019. It is further directed that in case, the petitioner so appears before the trial Court then the petitioner shall be released on bail on his furnishing bail bond/surety to the satisfaction of the Trial Court.

23rd September, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*