

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

105

CRM-M-45294-2021 (O&M)

Date of decision: 29.10.2021

Hemant Parsad @ Saptah Parsad @ Hemu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL , J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.644 dated 20.11.2018 under Section 22(c), 27 (A) (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that it is a case of bail jump as the petitioner was earlier granted the concession of regular bail by the trial Court, vide order dated 16.02.2019 (Annexure P1) and the petitioner was regularly appearing before the trial Court. It is submitted that petitioner is the resident of Delhi and due to heavy rain in Delhi, the petitioner absented himself from the Court proceedings on 18.10.2021. Resultantly, his bail bonds and surety bonds was cancelled and forfeited to the State and warrant of arrest was issued

against the petitioner. It is further stated by the learned counsel for the petitioner that absence of the petitioner on 18.10.2021 was neither intentional nor willful. He is ready to appear before the Court and face the trial.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana accepts notice on behalf of respondent-State and while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel submits that since the petitioner, after getting the concession of bail, has jumped it, he does not deserves the concession of anticipatory bail.

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 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.

The petitioner remain absented himself from the court proceedings on 18.10.2021. The petitioner 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, but without going into the merits of the case, the present petition is allowed and the petitioner is ordered to be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds within 15 days, to the satisfaction of the trial Court/Duty Magistrate.

In case, the petitioner fails to furnish the requisite bonds within the stipulated period, the instant petition shall stand dismissed automatically.

29.10.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No