

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

CRM-M-51007-2021 (O&M)

Date of decision: 06.12.2021

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Samina Dhir, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 11.11.2021 (Annexure P-6), vide which the bail granted to the petitioner was cancelled and non-bailable warrants were issued against the petitioner, in case bearing FIR No. 06 dated 03.01.2020 registered under Sections 22 and 29 of the NDPS Act, 1985, at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that in the present case, ad-interim anticipatory bail was granted to the petitioner by the learned trial Court vide order dated 21.01.2020; that the same was confirmed vide order dated 29.01.2020; that the petitioner had been regularly appearing before the learned trial Court; that on 16.09.2021, an application for personal exemption moved by the petitioner was allowed for that day only, but on 11.11.2021, he could not appear before the Court as he had noted a wrong date i.e. 21.11.2021 instead of 11.11.2021 and that accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable

warrants were issued for 11.01.2022. It is, thus, contended that non-appearance of the petitioner was neither intentional nor wilful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 11.11.2021, due to noting a wrong date and therefore, his non-appearance on the said date was unintentional.

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.

In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court within two weeks from today and on his doing so, he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

06.12.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No