

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

**CRM-M-203-2022 (O&M)
Date of decision: 05.01.2022**

Shamsher Singh @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No. 34 dated 31.01.2019, registered under Section 21(b) of the NDPS Act, at Police Station Sadar Fatehabad, District Fatehabad, against the order dated 03.03.2020 (Annexure P-6), and to set aside the order dated 03.03.2020 (Annexure P-6) vide which the bail of the petitioner was cancelled and his bail/surety bonds were forfeited to the State.

Learned counsel for the petitioner submits that in the present case, regular bail was granted to the petitioner by the learned trial Court vide order dated 20.02.2019; that the petitioner had been regularly appearing before the learned trial Court; that on 16.12.2019, the petitioner noted a wrong date i.e. 30.03.2020 instead of 03.03.2020 and that accordingly, his surety/bail bonds were cancelled and forfeited to the State, and warrants of arrest and notice to his surety under Section 446 of Cr.P.C. were issued for 27.04.2020. It is, thus, contended that non-appearance of the petitioner was

neither intentional nor wilful, but for the reasons explained above. The alleged recovery of 12 grams of *Heroin* falls under the non-commercial quantity. The petitioner is ready to appear before the trial Court and to 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 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. 03.03.2020, 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

05.01.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No