

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

**CRM-M-17004-2022 (O&M)**  
**Date of decision: 26.04.2022**

Gurmukh Singh

...Petitioner

Versus

State of Punjab

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Amandeep Singh, Advocate for the petitioner.

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**HARNARESH SINGH GILL, J. (ORAL)**

The petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 20 dated 11.01.2018, registered under Section 22 of the NDPS Act, at Police Station Shimlapuri, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was regularly appearing before the Court, but on 15.02.2022, 25.02.2022 and 14.03.2022, he could not appear before the Court due to death of his father on 20.01.2022, following which his bail was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants had been issued against him; that absence of the petitioner was not intentional and rather it was due to death of his father; that till date, the proclamation proceedings have not been initiated against him, and that the petitioner is now ready to appear before the trial Court.

He further submits that the charges have been framed and the alleged recovery effected from the petitioner was of 5 grams of *Heroin*.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the respondent-State.

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 an 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 15.02.2022, 25.02.2022 and 14.03.2022. 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 fact, but without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court/Duty Magistrate, within 10 days from today, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, Ludhiana. On his doing so, the petitioner shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**26.04.2022**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No