

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

**105**

**CRM-M-17290-2022 (O&M)**

**Date of decision: 27.04.2022**

SAJAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present: Mr. Vivek Singla, Advocate  
for the petitioner.

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

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.0049 dated 06.05.2018, under Section 22 of the NDPS Act; Sections 18 and 21 of the NDPS Act (added later on) and Section 25 of the Arms Act, 1959, at Police Station B-Division, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was initially granted the concession of bail by the learned trial Court on 31.05.2018 and that the petitioner was continuously appearing before the learned Court below but due to ill-health on 14.03.2022, the petitioner could not appear. Resultantly, on the same day, his bail/surety bonds were cancelled and forfeited to State and non-bailable warrants of arrest were issued. Still further, it is submitted that the petitioner was hospitalized from 12.03.2022 till 17.03.2022 and his non-appearance before the Court below was not intentional and that, now, proclamation proceedings under Section 82 Cr.P.C. has been initiated against him.

Learned counsel for the petitioner further submits that the petitioner is again ready to appear before the Court below to face the trial and also to furnish fresh bail/surety bonds.

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 as are passed qua the accused. The absence of the petitioner before the Court below appears to be non-intentional. 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 absented himself from the Court proceedings on 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 behind the bars.

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 concerned District Legal Services Authority. 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.

27.04.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No