

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

CRM-M-22689-2022 (O&M)
Date of decision: 23.05.2022

Jaspal @ Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Sharma (Vasudeva), Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 06.05.2022 (Annexure P-4) passed by the learned Additional Session Judge, Hoshiarpur, vide which the bail/surety bounds of the petitioner were cancelled and forfeited to the State and the non-bailable warrants of the petitioner were issued and notice to his surety under Section 446 Cr.P.C. was issued for 01.06.2022 in FIR No. 24 dated 19.02.2020 registered under Section 22 of the NDPS Act, at Police Station Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner submits that interim regular bail was granted to the petitioner vide order dated 23.03.2020 passed by the learned Additional Sessions Judge, Hoshiarpur, and he was regularly appearing before the Court; that on 06.05.2022, the petitioner could not appear before the Court as he had noted a wrong date i.e. 16.05.2022 instead of 06.05.2022 and that accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants of accused-petitioner and notice to his surety under Section 446 Cr.P.C. were issued for 1.06.2022. 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. 06.05.2022, 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.

Though the petitioner absented himself from the court proceedings, yet 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, on 01.06.2022, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, Hoshiarpur. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

23.05.2022
Mangal Singh

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