

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

105

CRM-M-29835-2022 (O&M)

Date of Decision: 14.07.2022

VINOD KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.161 dated 19.09.2021, registered under Section 15 of the NDPS Act, at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by the learned Judge, Special Court on 15.11.2021 and he was regularly appearing before the trial Court; that the petitioner could not appear before the Court on 04.07.2022 as he had noted a wrong date i.e. 05.07.2022 and accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants against the accused-petitioner and notice to his surety under Section 446 Cr.P.C. were issued for 07.09.2022. 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, Mr. Ajay Pal Singh Gill, DAG

Punjab, 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. 04.07.2022, 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, 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 bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

14.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*