

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

CRM-M-30921-2022

Date of Decision: 09.08.2022

Gurjinder Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioners seek quashing of the order dated 12.04.2022 (Annexure P-6) passed by learned Judge, Special Court, Patiala, whereby warrants of arrest were issued against the petitioners, cancelling their bail, in case bearing FIR No.89 dated 08.10.2019, registered at Police Station Kheri Gandian, District Patiala, under Section 22 NDPS Act, 1985.

Learned counsel for the petitioners contends that the petitioners had been granted the benefit of regular bail by learned Judge, Special Court, Patiala; that the petitioners had been regularly appearing before the trial Court; that however, the petitioners could not appear before the trial Court on 12.04.2022 for the reason that they had wrongly noted down the date, as 12.05.2022, instead of 12.04.2022; that due to non-appearance of the petitioners, the bail of the petitioners had been cancelled and warrants of arrest had been issued against them; that absence of the petitioners before the trial Court was not intentional and rather was for the reason that a wrong date had been noted down, and that the petitioners are now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State, and submits that the trial Court has rightly issued warrants of arrest against the petitioners.

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 him. The absence of the petitioners 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 be justified to protect him from being arrested.

The petitioners absented themselves from the court proceedings. They are now not required for any investigation or interrogation purposes and rather, they are only to face the trial. Therefore, no useful purpose would be served by sending the petitioners to custody.

Keeping in view the above fact, the impugned order dated 12.04.2022 (Annexure P-6) is set aside and the petitioners are directed to surrender before the trial Court/Duty Magistrate, within 10 days from today, subject to them depositing the costs of Rs.10,000/- each with the District Legal Services Authority, Patiala. On their doing so, the petitioners shall be released on anticipatory bail, subject to them furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

09.08.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

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