

CRM-M-42070-2022

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

CRM-M-42070-2022

Date of decision: 14.09.2022

Parvinder Singh @ Bittu

...Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lakshay Bector, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 15.03.2022 (Annexure P-4) passed by learned Judge, Special Court, Ludhiana, vide which bail granted to the petition in case bearing FIR No.173 dated 24.04.2018, under Sections 21 and 25 NDPS Act, registered at Police Station Sadar Jagraon, has been cancelled and warrant of arrest had been issued against him.

Learned counsel for the petitioner contends that vide order dated 05.05.2018 passed by learned Judge, Special Court, Ludhiana, the petitioner had been granted regular bail, and that on 18.02.2022 and 15.03.2022, the petitioner could not appear before the trial court due to his mental illness, following which his bail was cancelled and his bonds had been forfeited to the State. He further contends that absence of the petitioner was not intentional and that the petitioner is now ready to face the trial.

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I have heard the learned counsel for the petitioner.

In the present case, the petitioner absented himself from the court proceedings, following which his bail was cancelled and his bonds had been forfeited to the State.

A perusal of the order dated 15.03.2022 (Annexure P-4) would show that the petitioner had not appeared before the Court for many dates and moreover, no application seeking exemption from his personal appearance had been filed.

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.

Keeping in view the facts and circumstances of the case, but without going into the merits of the case, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within 10 days from today and to move an application seeking the relief of regular bail. On his doing so, the bail application filed by the petitioner, shall be decided within one week thereafter.

14.09.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No