

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

126

**CRM-M-55155-2022 (O&M)
Date of decision: 29.11.2022**

Geeta Devi

...Petitioner

Versus

Union Territory Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Momi, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. PP UT Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petition, the petitioner prays for quashing of the orders dated 18.07.2022, whereby her personal and surety bonds stands cancelled and forfeited to the State and 22.08.2022, whereby after cancellation of bail non-bailable warrants were issued against her, passed by the learned Judge, Special Court, Chandigarh, in case bearing FIR No.335 dated 14.09.2018, registered under Sections 20, 22 of the NDPS Act, at Police Station South, Sector-34 Chandigarh.

Learned counsel for the petitioner contends that the petitioner is a 45 years lady; that the petitioner was released on bail in the aforementioned FIR and thereafter, she has been regularly appearing before the trial Court from 17.03.2020 till 16.05.2022, but somehow she could not appear before it on 18.07.2022, accordingly bail of the petitioner was cancelled and her bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against her; that vide order dated 17.10.2022 proclamation under Section 82 Cr.P.C. has been issued against the petitioner for 30.11.2022 but has not been declared a proclaimed person as yet; that absence of the

petitioner was not intentional and that the petitioner is now ready to appear before the trial Court.

Notice of motion.

On the asking of this Court, learned State counsel, accepts notice and opposes the submissions made by the learned counsel for the petitioner.

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. The absence of the petitioner 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 not be unjustified to protect him from being arrested.

The petitioner absented herself from the court proceedings on 18.07.2022. She is now not required for any investigation or interrogation purposes and rather, she 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 15 days from today, subject to her depositing the costs of Rs.10,000/- with the District Legal Services Authority, Chandigarh. On her doing so, the petitioner shall be released on anticipatory bail, subject to her furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

29.11.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No