

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

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**CRM-M-58690-2022 (O&M)
Date of decision: 21.12.2022**

Dalvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Vashishat, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petition, the petitioner prays for quashing of the order dated 04.08.2022 passed by the learned Judge, Special Court, Ludhiana, in case bearing FIR No. 41 dated 12.02.2018, registered under Section 21 of the NDPS Act, at Police Station City Khanna, Ludhiana, vide which the bail order as well as bail bond/surety bond of the petitioner was cancelled and forfeited in favour of the State and to stay further proceedings therefrom.

Learned counsel for the petitioner contends that the petitioner was released on regular bail in the aforementioned FIR and thereafter, he has been regularly appearing before the trial Court, but somehow he could not appear before it on 04.08.2022, due to unavoidable circumstances, following which his bail was cancelled and his bail/surety bonds were forfeited to the State and arrest warrants were issued against him on 04.08.2022; that absence of the petitioner was not intentional; that the petitioner is now ready to appear before the trial Court and that the petitioner has not been declared a proclaimed offender as yet.

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 himself from the court proceedings on 04.08.2022 and the same was not intentional. 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 15 days from today, subject to him depositing the costs of Rs.10,000/- with the District Legal Services Authority, Ludhiana. On his doing so, the petitioner shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.12.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No