

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

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**CRM-M-59072-2022 (O&M)
Date of decision: 19.12.2022**

Tarsem Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramandeep, 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 17.08.2022 passed by the learned Judge, Special Court, Sangrur, in case bearing CIS No. NDPS/47/2020 dated 23.01.2020, titled as 'State of Punjab Vs. Sukhchain etc.', in FIR No. 155 dated 21.08.2019, registered under Sections 22, 29 of the NDPS Act, at Police Station Dirba, 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 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 17.08.2022, as he was in judicial custody in another case, following which his bail was cancelled and his bail bonds and surety bonds

were forfeited to the State and non-bailable warrants were issued against him on 17.08.2022; 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 himself from the court proceedings on 17.08.2022. 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.15,000/- with the District Legal Services Authority, Sangrur. 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.

19.12.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No