

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59170-2022

Date of Decision:19.12.2022

MANJEET SINGH AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. K.S. Brar, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioners are seeking quashing of impugned order dated 19.07.2022 (Annexure P-5) passed by Sessions Judge, Sri Muktsar Sahib, whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No.144 dated 21.09.2017 (Annexure P-1), under Sections 22 and 29 of NDPS Act, 1985 and Section 52-A Prison Act, 1894, registered at Police Station Sadar Sri Muktsar Sahib District Sri Muktsar Sahib.

Learned counsel for the petitioners *inter alia* contends that petitioners were arrested in the aforesaid FIR and released on bail on 09.04.2018 and 03.12.2018 respectively. The petitioners continued to appear before Trial Court from 2018 to 2021, however, in the month of December, 2021 they went to Gujarat to get work of labour. On account of this reasons, they failed to appear before Trial Court in January, 2022

and accordingly Trial Court vide order dated 19.07.2022 cancelled bail bonds and ordered to secure presence through non-bailable warrants.

The petitioners are ready to join the investigation and face the trial. They are regularly appearing before Trial Court since 2018 and if present petition is allowed, no prejudice would be caused to the prosecution rather it would serve the purpose of the prosecution. The petitioners are poor labour and undertake to appear on each and every date.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioners have come forward to face trial and undertakes to appear before trial court on each and every date, thus ,his presence would meet ends of justice;
- ii) The Petitioners are ready to furnish bond/surety to the

satisfaction of the trial court;

- iii) The petitioners are resident of District Fazika and trial is pending at Sri Muktsar Sahib, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- iv) The petitioners were initially granted regular bail by learned Sessions Judge, Sri Muktsar Sahib on 09.04.2018 & 03.12.2018 respectively and petitioners thereafter on many dates appeared before trial court;
- v) Trial is pending since 2018 and petitioners are ready to face trial, thus, no prejudice is going to cause to prosecution;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioners are directed to appear before learned Trial Court on 20.12.2022 and on their doing so, the Trial Court shall admit them to bail on furnishing fresh bail bonds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

19.12.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>