

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

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**CRM-M-59418-2022 (O&M)
Date of decision: 19.12.2022**

Amit Kumar @ Honny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kulwant Singh, 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 06.10.2022 passed by the learned Trial Court, in case bearing FIR No. 122 dated 19.07.2020, registered under Sections 22, 29 of the NDPS Act, at Police Station Koom Kalan, District Ludhiana, vide which the bail order as well as bail bond/surety bonds of the petitioner was cancelled and forfeited in favour of the State and to stay further proceedings arising therefrom.

Learned counsel for the petitioner contends that the petitioner anticipatory bail was granted to the petitioner in the aforementioned FIR and thereafter, he has been regularly appearing before the trial Court, but somehow he could not appear before it on 06.10.2022, as on 05.10.2022 in the evening at about 8 O'clock he received a phone call from his sister that her father-in-law is not well and thus, the petitioner has to go there and this fact was not brought to the knowledge of the learned trial Court by the learned counsel for the petitioner, 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 06.10.2022; 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 06.10.2022 and now the petitioner is ready to appear before the learned trial Court, 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, 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.

19.12.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No