

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27109-2022 (O&M)

Date of decision: 19.01.2023

AJIT KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for quashing of the order dated 30.04.2022, Annexure P-3, whereby the bail bond of the petitioner is forfeited and the arrest warrant has been issued against the petitioner and further allowing the petitioner to continue to appear before the trial Court in FIR No.435 dated 20.08.2019 under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Fatehabad, District Fatehabad.

This Court vide order dated 21.06.2022 having recorded the contention of the learned counsel that on 26.04.2022, the petitioner who was involved in yet another case in the State of Odisha was taken in custody and granted bail on 22.04.2022, but he could not get the train back so as to enable him to reach Fatehabad in time to appear before the trial Court on the date fixed i.e. 30.04.2022. Resultantly, due to his non-appearance on the aforesaid date, the bail was cancelled, while warrants of arrest were issued against him.

Averment made is that his absence was on account of above reason and is neither willful nor deliberate.

Ms. Aditi Girdhar, AAG Haryana refers to the reply by way of affidavit dated 28.09.2022 of Subhash Chander, HPS, Deputy Superintendent of Police,

Fatehabad, para 14 of the preliminary submissions whereof affirms the facts regarding the petitioner having surrendered before the trial Court on 18.08.2022 in compliance of the order dated 21.06.2022 by this Court and was admitted on interim bail.

Heard.

The very purpose of issuance of non-bailable warrants, is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

Adverting to the facts of the present case inasmuch the petitioner could not get the train back to reach Fatehabad in time to appear before the trial Court, thus could not appear, which appears to be justified explanation of absence. At times, the accused can be prevented by sufficient reasons such as no effecting of service as in the present case, to put an appearance before the Court, as such absence cannot necessarily be construed as deliberate and willful. However, it is incumbent upon them to join the proceedings, before the trial Court, for the culmination of the same. Thus, keeping in view the facts and circumstances of this case that the petitioner had surrendered and joined the proceedings in compliance of the order passed by this Court, thus to secure the ends of justice, the present petition deserves to be allowed.

Accordingly, the impugned order dated 30.04.2022 (Annexure P-3) is set aside.

(AMAN CHAUDHARY)
JUDGE

January 19, 2023

M.Kamra/S.Sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No