

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

113

CRM-M-31543-2023 (O&M)  
Date of decision: 04.07.2023

Appy Singh @ Happy Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

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**HARNARESH SINGH GILL, J. (ORAL)**

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks quashing of order dated 18.04.2023 (Annexure P-7), vide which the bail granted to the petitioner was cancelled and non-bailable warrants were issued for 01.06.2023 against the petitioner, in case bearing FIR No. 113 dated 04.07.2018 registered under Section 22 of the NDPS Act, 1985, at Police Station Jandiala, District Amritsar Rural.

Learned counsel for the petitioner submits that in the present case, the petitioner was arrested on 04.07.2018 and interim regular bail was granted to him by the learned trial Court vide order dated 07.08.2018; that the same was made absolute vide order dated 22.03.2022; that after completion of the investigation, the challan was presented and the charges were framed on 22.03.2022; that the petitioner had been regularly appearing before the learned trial Court; that on 18.04.2023, the petitioner could not appear before the Court as he had noted a wrong date and that accordingly, his surety/bail bonds were cancelled and forfeited to the State, and non-bailable warrants were issued for 01.06.2023. The petitioner is ready to appear before the

learned trial Court. It is, thus, contended that non-appearance of the petitioner was neither intentional nor willful, but for the reasons explained above.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that the petitioner did not appear before the learned trial Court on 18.04.2023, therefore, the learned trial Court has rightly issued non-bailable warrants of arrest against him.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 18.04.2023, due to noting of wrong date and therefore, his non-appearance on the said date was unintentional and he is ready to appear before the learned trial Court.

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 as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, the order dated 18.04.2023 (Annexure P-7) passed by the learned trial Court is quashed with a direction to the petitioner to surrender before the trial Court within two weeks from today and on his doing so, he shall be released on bail, subject to him furnishing bail/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)  
JUDGE

04.07.2023  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |