

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-31776-2023

Date of decision: 05.07.2023

JIWAN SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kartar Singh, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks quashing of order dated 18.05.2023 (Annexure P-2), vide which the bail granted to the petitioner was cancelled and warrants of arrest were issued for 12.07.2023 against the petitioner, in case bearing FIR No. 288 dated 14.12.2021 registered under Section 15(c), 27-A of NDPS Act, 1985, at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner submits that in the present case the petitioner was granted anticipatory bail by this Court, which was made absolute vide order dated 29.08.2022; that after completion of the investigation, the petitioner had been regularly appearing before the learned trial Court; that on 18.05.2023, the petitioner could not appear before the Court as he was returning from Haridwar and his car broke down and, thus, he could not reach the Court on time and accordingly, his surety/bail bonds were cancelled and forfeited to the State, and warrants of arrest were issued for 12.07.2023. It is, thus, contended that non-appearance of the petitioner was neither intentional nor willful, but for the reasons explained above. It is yet further contended that the petitioner is ready to appear before the learned trial Court.

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 18.05.2023 and, therefore, the learned trial Court has rightly issued warrants of arrest against him.

I have heard the learned counsel of both the parties.

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. 18.05.2023, due to the reasons mentioned above. Therefore, his non-appearance on the said date was unintentional, Moreso, the petitioner 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 18.05.2023 (Annexure P-2) 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.

05.07.2023
pry

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No