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126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33699-2023
Date of Decision: 17.07.2023

Sandeep @ Seepa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sandeep Arora, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of the order dated 04.05.2023 passed by the Special Court, Jalandhar (Annexure P-3), vide which, non-bailable warrants of arrest has been issued against the petitioner and bail bonds and surety bonds were forfeited to the State and bail order was cancelled, on account of absence of the petitioner in case FIR No.112 dated 27.08.2018 registered under Sections 22, 61 and 85 of the NDPS Act, 1985, at Police Station Mehatpur, District Jalandhar Rural.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is pending since the year 2018. The case had repeatedly been adjourning for evidence of the prosecution. The petitioner had been regularly appearing before the Trial Court in the case, although, the prosecution was not producing any witness. After availing about 30 adjournments, prosecution has examined only three witnesses. However, on 04.05.2023, the petitioner could not appear before the Trial Court due to unavailing circumstances. As a result, his bail bonds and surety bonds have been forfeited and non-bailable warrants has been issued against him. The petitioner is not intending to run away from the process of the law. Rather,

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he intends to appear before the Trial Court and to continue to do the same. The petitioner undertakes not to absent again before the Trial Court.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State. He submits that although the petitioner does not deserve the concession of bail because he had earlier absconded from the process of law, however, at this stage, the State has no objection if the petitioner appears before the Trial Court.

5. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remain present before the Court to receive the orders and punishments 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.

6. In view of the above, the present petition is allowed subject to the petitioner appearing before the Trial Court on 25.07.2023. It is further directed that in case the petitioner so appears before the Trial Court on 25.07.2023 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

17.07.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No