

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-34425-2023 (O&M)
Date of decision: 17.08.2023

Daljit Singh @ Jeeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Malkiat Singh Hundal, Advocate for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-34033-2023

Application is allowed as prayed for. Annexure P-4 is taken on record.

Main case:

Through the present petition, the petitioner seeks quashing of the order dated 04.07.2023 (Annexure P-3) passed by the learned Additional Sessions Judge, Amritsar, whereby the bail was cancelled and bail bonds and surety bonds were forfeited to the State in case bearing FIR No.154 dated 28.07.2017 registered under Section 21 of the NDPS Act at Police Station Jandiala, Amritsar.

Learned counsel for the petitioner submits that the petitioner is a truck Driver; that after granting bail on 14.08.2017, the petitioner had been regularly appearing before the learned trial Court and that on 04.07.2023, he

could not appear and the application for exemption was also declined by the learned trial Court and accordingly, his surety/bail bonds were cancelled and forfeited to the State and non-bailable warrants of arrest have been issued against him for 15.11.2023. He further submits that non-appearance of the petitioner on 04.07.2023 was not intentional and 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 non-bailable warrants of arrest have rightly been issued against the petitioner, as earlier also he has preferred application for exemption six times and by moving seventh application for exemption the petitioner has tried to misled the learned trial Court. The petitioner is in the habit of moving application for exemption.

I have heard the learned counsel for the parties.

It is a case, wherein the petitioner had been regularly appearing before the Court, but only on a solitary date i.e. 04.07.2023, he could not appear before the trial Court. The non-appearance of the petitioner appears to be not intentional.

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.

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 appear before the trial Court/Duty Magistrate, within 15 days from today, subject to him depositing the costs of Rs. 10,000/- with the District Legal Services Authority, Amritsar. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

17.08.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No