

CRM-M-37553-2023
Date of Decision: 03.08.2023

Versus

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the impugned order dated 25.05.2023, whereby the Additional Sessions Judge, SBS Nagar, while cancelling the bail order dated 02.12.2019 passed by this Court in CRM-M-40065-2019, has forfeited the bail/surety bonds of the petitioner besides issuance of non-bailable warrants for 26.10.2023 in the case FIR No.0043 dated 15.06.2019, registered under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted by the learned counsel for the petitioner that, after presentation of the challan, the petitioner was granted bail pending trial by this Court vide CRM-M-40065-2019 dated 02.12.2019. Thereafter, the petitioner had been appearing before the Trial Court regularly. However, on 25.05.2023, the petitioner could not appear before the Trial Court because

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the counsel representing the petitioner before the Trial Court had wrongly noted down the next date of hearing as 25.07.2023 instead of 25.05.2023. As a result thereof, the Trial Court, vide order dated 25.05.2023, had forfeited the bail/surety bonds furnished by the petitioner and had issued the non-bailable warrants against him besides cancelling the regular bail order dated 02.12.2019 passed by this Court. The absence of the petitioner from the court proceedings was not intentional. The petitioner is not intending to avoid the process of Court. Rather, he undertakes to appear before the Trial Court regularly. Hence, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Sandeep Singh, 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, 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 and the

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order dated 25.05.2023 passed by the court of Additional Sessions Judge, SBS Nagar, is quashed, subject to the petitioner appearing before the Trial Court on or before 14.08.2023. It is further directed that in case the petitioner so appears before the Trial Court on or before 14.08.2023, then he shall be released on bail on his furnishing bail bonds/sureties already furnished by him to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

03.08.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No