

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

129

CRM-M-38404-2023 (O&M)
Date of Decision: 07.08.2023

KARAN CHUGH

... Petitioner

Versus

STATE OF HARYANA

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in the present petition is of quashing of the order dated 05.07.2023, passed by the learned Special Judge (NDPS Act), Fatehabad, in case FIR No. 363 dated 02.12.2019 registered under Section 21-B of the NDPS Act, at Police Station City Ratia, District Fatehabad, vide which the bail bonds of the petitioner stands forfeited and non-bailable warrants have been issued against the petitioner for his appearance.

Learned counsel for the petitioner submits that in the present case, after granting regular bail, the petitioner has been regularly appearing before the Court, but on 05.07.2023, he could not appear before the learned trial Court, as he met with an accident and his left

hand has got fractured and thus, the nonappearance of the petitioner on 05.07.2023 was not intentional; that the petitioner has not been declared a proclaimed offender till date and that the petitioner is ready to appear before the learned trial Court.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State and opposes the submissions made by the learned counsel for the petitioner.

I have heard the learned counsel for 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. 05.07.2023 because of unavoidable circumstances and therefore, his non-appearance on the said date was unintentional.

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. The absence of the petitioner before the Court below appears to be non-intentional. If an 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 surrender 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, Fatehabad. On his doing so, the petitioner shall be released on anticipatory bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate

07.08.2023

(HARNARESH SINGH GILL)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*