

CRM-M-48508-2023

-1-

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48508-2023
Date of Decision: 29.09.2023

Nishu Sonkar @ Nishu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Munish Behl, Advocate,
for the petitioner.

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 21.07.2023 passed by the Additional Sessions Judge, Ambala, whereby the petitioner's bail has been cancelled, his bail bonds/surety bonds have been forfeited to State and non-bailable warrants against the petitioner have been issued in case FIR No.186 dated 18.06.2019 registered under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Parao Ambala Cantt. District Ambala, along with all consequential proceedings arising out of the aforesaid order.

2. It is submitted by the learned counsel for the petitioner the petitioner had been appearing before the Trial Court regularly. The petitioner was granted concession of regular bail by the Additional Sessions Judge, Ambala, vide order dated 26.08.2019. However, on 21.07.2023, the

petitioner could not appear before the Trial Court because he was out of station and wanted to reach in Court in time, however, he could not reach in time. The absence of the petitioner resulted in cancellation of the bail of the petitioner and non-bailable warrants were issued for 25.08.2023. Learned counsel submits that 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. K.K.Chahal, Additional Advocate General, Haryana, accepts notice on behalf of the respondent State. He submits that although, the petitioner does not deserve the concession of bail because he had 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 impugned order dated 21.07.2023 (Annexure P-10) passed by the Additional Sessions Judge, Ambala, is quashed, subject to the petitioner appearing before

CRM-M-48508-2023

-3-

the Trial Court on 30.09.2023. It is further directed that in case the petitioner so appear before the trial Court on 30.09.2023, then the petitioner shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

29.09.2023
adhikari

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