

CRM-M-49037-2023

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125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49037-2023
Date of Decision: 17.10.2023

Gurmit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amarjeet Singh Prajapati, 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 01.09.2023 passed by the Judge Special Court, Gurdaspur, whereby the bail order of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State and non-bailable warrants have been issued against him in case FIR No.112 dated 21.11.2018 registered under Sections 18, 21, 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur,

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 interim/anticipatory bail by the trial Court, vide order dated 17.12.2018. However, on 01.09.2023, the petitioner could not

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appear before the trial Court because he had noted down wrong date as 21.09.2023 instead of 01.09.2023. The absence of the petitioner resulted in cancellation of the his bail bonds and surety bonds and non-bailable warrants were issued against him for 30.09.2023. 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. 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 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 01.09.2023 passed by the Judge Special Court, Gurdaspur, is quashed, subject to the petitioner appearing before the trial Court

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on or before 07.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 07.11.2023, 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

17.10.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No