

CRM-M-50945-2023
Date of Decision: 09.10.2023

..... Petitioner

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sarbjit Singh Grewal, 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 22.08.2022 passed by the Special Judge, Mansa and order dated 05.09.2023 in case FIR No.0049 dated 17.08.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Jaurkian, District Mansa, whereby the bail granted to the petitioner has been cancelled and the bail bonds/surety bonds have been forfeited and non-bailable warrants have been issued against the petitioner.

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 this Court. However, on 22.08.2022, the petitioner could not appear before the Trial Court due to unavoidable personal circumstances. The absence of the petitioner resulted

in cancellation of the bail bonds and surety bonds of the petitioner and non-bailable warrants were issued for 19.09.2022. Subsequently, on 05.09.2023, since, the non-bailable warrants issued to the petitioner were received back unserved, therefore, again non-bailable warrants were issued against her for 17.10.2023. 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, she undertakes to appear before the Trial Court regularly. Hence, the petitioner deserves to be protected against her 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 she 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 22.08.2022 and order dated 05.09.2023 passed by the

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Special Judge, Mansa, are quashed, subject to the petitioner appearing before the Trial Court on or before 19.10.2023. It is further directed that in case the petitioner so appear before the trial Court on or before 19.10.2023, then the petitioner shall be released on bail on her furnishing bail bonds/sureties to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(RAJBIR SEHRAWAT)
JUDGE

09.10.2023
adhikari

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