

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M No.58883 of 2023 (O&M)
DATE OF DECISION: 22nd NOVEMBER, 2023

Gurjit Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Satnam Singh Gill, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of order dated 25.08.2023 (Annexure P-3) passed by the Additional Sessions Judge, Karnal, whereby, the bail of the petitioner has been cancelled and warrant of arrest has been issued against him in case FIR No.719 dated 09.07.2017 registered under Sections 18 and 25 of NDPS Act at Police Station City Karnal, District Karnal.

2. It is submitted by the counsel for the petitioner that the petitioner had been appearing before the trial Court in the case regularly. However, he could not appear before the trial Court on 25.08.2023 because he is a driver by occupation and he had gone on long outstation trip. The petitioner is not intending to avoid the process of Court. The petitioner does not have any intention to run-away from the process of the Court. Rather, he undertakes to appear before the trial Court regularly.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the respondent/State.

5. Learned State counsel has submitted 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.

6. 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.

7. In view of the above, the order dated 25.08.2023 passed by the trial Court is quashed and the present petition is allowed, subject to the petitioner appearing before the trial Court on or before 30.11.2023. It is further directed that in case the petitioner so appears before the trial Court on or before 30.11.2023 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate.

22nd NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No