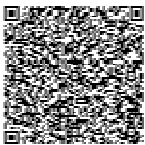


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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.118

CRM-M-42516-2024(O&M)
Date of decision : 03.09.2024

Gurpreet Singh @ Gopi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Sekhon, Advocate, for the petitioner.

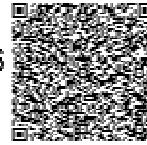
Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 29.05.2024 (Annexure P3) vide which bail granted to the petitioner has been cancelled and bail bonds/surety bonds of the petitioner have been forfeited and non-bailable warrants of arrest have been issued against the petitioner for 10.09.2024.

2. The facts of the case are that as per version of the police on 10.11.2019, ASI-Surjit Singh of Police Station Kot Ise Khan was on patrol duty along with police party near Main Chowk, Kot Ise Khan. Meanwhile, he received a secret information that Tejinderpal Singh @ Ghulla who is habitual of selling intoxicant substance is present at Bus Stand of village Nasirpur Jannia. Finding the information credible, the present FIR was initially registered against co-accused Tejinderpal Singh @ Ghulla.

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2.1 Further, thereafter a raid was conducted and aforesaid co-accused Tejinderpal Singh @ Ghulla was apprehended by the police. From his possession 03 grams of heroin was recovered. During the course of investigation, the police had recorded the disclosure statement of co-accused, in which he had named the petitioner.

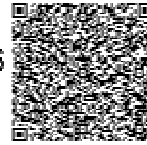
3. Learned counsel for the petitioner *inter alia* submits that the recovery in the present case which was effected from the co-accused Tejinderpal Singh @ Ghulla was of small quantity. He further submits that the petitioner was regularly appearing on every date of hearing before the trial Court but on dated 29.05.2024, he could not appear before the trial Court as there was a medical emergency as his aged mother fell from the stairs. Due to this lapse on his account, the bail granted to him was cancelled by the trial Court and the bail bonds/surety bonds were also cancelled. He further submits that absence of the petitioner was not intentional or willful. Therefore, the petitioner may be granted one opportunity to appear before the trial Court.

4. Notice of motion to the official respondents at this stage.

5. Served with advance copy of the petition, Mr. R.S. Thind, DAG, Punjab, who is present in Court today, has opposed the present petition and has submitted that the trial Court has been correctly issued non-bailable warrants of arrest against the petitioner and cancelled the bail bonds/surety bonds.

6. Heard the rival submissions made by learned counsel for the parties.

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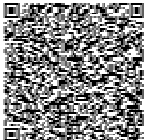
7. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

8. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, they could not appear before the trial Court on one date i.e. 29.05.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

9. This Court finds that no useful purpose will be served by sending the petitioner in custody when he is continuously appearing before the trial Court but could not appear on one date.

10. In view of the above, the present petition is allowed and order dated 29.05.2024 (Annexure P3) passed by the learned Judicial Magistrate, 1st Class, Moga, is hereby set aside/quashed **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh.** The petitioner after depositing the cost as stated above would appear before the trial Court on the next date fixed i.e. 10.09.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioners till the next date fixed. In case, the petitioner

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failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

03.09.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No