



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.142

CRM-M-47697-2024

Date of decision : 23.09.2024

AMIT THUKRAL

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Bhupinder Kaur, Advocate
for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing/setting aside the impugned order dated 17.05.2024 (Annexure P-4) passed by the Court of learned Judge, Special Court, Kapurthala in case bearing number NDPS-23-2021 titled as "*State of Punjab Vs. Amit Thukral etc.*" vide which non-bailable warrants of arrest of the petitioner has been issued and bail bonds/surety bonds of the petitioner have been forfeited and further setting aside the order dated 18.09.2024 vide which proclamation under Section 84 of BNSS has been issued.

2. Learned counsel for the petitioner submits that the petitioner was granted concession of bail in afore-stated FIR by the learned trial Court and he was regularly appearing before the trial Court.

3. Learned counsel for the petitioner further submit that learned counsel had inadvertently noted wrong date of hearing and had miscommunicated the wrong date to petitioner also, hence he could not appear



on the date fixed before the trial Court and missed three dates of the proceedings and thus, bail granted to him was cancelled by the trial Court and the bail bonds/surety bonds were also cancelled and had issued the arrest warrants against him. He also submits that non-appearance of the petitioner was unintentional. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon him by the trial Court.

4. Notice of motion.

5. At asking of the Court, Mr. Gurpartap Singh Bhullar, AAG, Punjab accepts notice on behalf of respondent-State.

6. Heard.

7. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however due to inadvertent mistake in noting the date of hearing, he could not appear before the trial Court 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.

8. The objective of the coercive mechanism prescribed under the Bharatiya Nagarik Suraksha Sanhita 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.

9. In view of the above, the present petition is allowed. Orders dated 17.05.2024(Annexure P-4) and 18.09.2024 is hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the



Poor Patient Welfare Fund, PGIMER Chandigarh within one week from today. The petitioner after depositing the cost as stated above would appear before the trial Court within 15 days 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 petitioner till then. In case, the petitioner fails to appear before the trial Court within 15 days or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

23.09.2024
Kavita

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No