



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.125

CRM-M-49458-2024

Date of decision : 03.10.2024

**ROBIN SINGH ALIAS KAKA ALIAS KANG ALIAS ROBIN SINGH
KANG** Petitioner

VERSUS

STATE OF PUNJAB Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rakesh Chopra, 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 the impugned order dated 23.08.2024 (Annexure P-1) passed by Additional Sessions Judge, Special Court, Fatehgarh Sahib in case FIR No.21 dated 25.01.2022 under Sections 21-A, 29, 61 and 85 of NDPS, Act registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib vide which bail of the petitioner has been cancelled and surety bonds of the petitioner have been forfeited and warrants of arrest 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. He further submits that on 22.08.2024, the petitioner was unwell and had gone for his treatment to Desh Bhagat Hospital, Amloh Road, Mandi Gobindgarh and doctor had advised him complete bed rest from 22.08.2024 to 27.08.2024. He refers to

medical certificate dated 22.08.2024(Annexure P-2). Due to this reason he



did not appear before the trial Court on 23.08.2024 and resultantly the learned Trial Court cancelled the bail and the bail bonds/surety bonds were also forfeited to the State. He also submits that non-appearance of the petitioner was neither intentional nor wilful. He further 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.

3. On advance notice, Mr. Gurpartap Singh Bhullar, AAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel opposes the prayer made in the petition and has argued that the trial Court had rightly cancelled the bail bonds/surety bonds of the petitioner.

4. Heard.

5. 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.

6. 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 health reason, he could not appear before the trial Court on one date and on account of the same, his bail bonds/surety bonds were cancelled and forfeited to the State. The petitioner is ready to appear before the trial Court and face the trial.

7. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date due to health issues.



8. In view of the above, the present petition is allowed. Order dated 23.08.2024 (Annexure P-1) is hereby set aside subject to payment of cost of Rs.5,000/- 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 the same bail bonds and surety bonds. 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

03.10.2024
Kavita

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