

**CRM-M-57323-2024****140****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-57323-2024****Date of decision : 18.11.2024**

Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG Punjab

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for setting aside order dated 16.05.2024 passed by learned Additional Sessions Judge, Ludhiana (Annexure P-3) cancelling the bail and forfeiting bail and surety bonds of the petitioner in case FIR No. 143 dated 24.08.2022 registered under Section 21 of NDPS Act at Police Station Division No. 2, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was granted bail vide order dated 20.10.2022 and since then he was regularly appearing before the trial Court. However, on 16.05.2024, the petitioner failed to appear as he noted the wrong date and on account of the same, his bail was cancelled and bail bonds and surety bonds furnished by him stands forfeited to the State. He further submits that his absence was unintentional and he is ready to appear before the trial Court and abide by all terms and conditions imposed upon him.



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3. Notice of motion.
4. At the asking of the Court, Mr. Vinay Kumar Malhotra, DAG Punjab, accepts notice on behalf of the respondent-State and waives service. He opposed the petition and submits that the impugned order has rightly been passed by the trial Court.
5. Heard the rival submissions made by learned counsel for the parties.
6. 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, he could not appear before the trial Court on one date i.e. 16.05.2024 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.
7. The objective of the coercive mechanism prescribed 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. 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 only.
9. In view of the above, the present petition is allowed. Order dated 16.05.2024 (Annexure P-3) 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.** The petitioner after depositing the cost as stated above would appear before the trial Court within one week and file appropriate application along with receipt of payment of cost. The trial Court would release



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the petitioner on same bail bonds/surety bonds. In the meanwhile, no coercive action would be taken against the petitioner. In case, the petitioner fails to appear before the trial Court within a week or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

18.11.2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No