



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

Sr. No.118

CRM-M-58435-2024

Date of decision : 27.11.2024

SHAMMI AND ANR

..... Petitioners

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manoj R Sharma, Advocate for the petitioners.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 of Cr.P.C. for quashing the impugned orders dated 08.08.2024 (Annexure P-4) vide which the non-bailable warrant were issued against the petitioners in FIR No.97 dated 30.05.2022 under Sections 15(a) of NDPS Act registered at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioners submits that the petitioners were granted concession of bail in afore-stated FIR by the learned trial Court and they were regularly appearing before the trial Court. He further submits that the petitioners wrongly noted the date and could not appear on 08.08.2024 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 petitioners were neither intentional nor wilful. He further submits that the petitioners is ready to appear before the learned trial Court and abide by all the terms and conditions as may be imposed upon them by the learned trial Court.



3. On advance notice, Mr. Vinay Kumar, DAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel opposes the prayer made in the petition and has argued that the learned trial Court had rightly cancelled the bail bonds/surety bonds of the petitioners.

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 petitioners and perusing the record, it is apparent that the petitioners were granted bail by the learned trial Court. However due to a misimpression regarding the date, they could not appear before the learned trial Court on one date i.e. 08.08.2024 and on account of the same, their bail bonds/surety bonds were cancelled and forfeited to the State. The petitioners are ready to appear before the learned trial Court and face the trial.

7. This Court finds that no useful purpose will be served by sending the petitioners in custody when they were continuously appearing before the trial Court but could not appear on one date i.e. 08.08.2024.

8. In view of the above, the present petition is allowed. Order dated 08.08.2024 (Annexure P-4) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioners to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within one week from today.** The petitioners after depositing the cost as stated above would appear



before the trial Court within two weeks and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioners on same bail bonds/surety bonds. No coercive action would be taken against the petitioners till then. In case, the petitioners fails to appear before the learned trial Court on said date or fails to deposit the cost as stated above, this order would be of no avail to the petitioners.

(KIRTI SINGH)
JUDGE

27.11.2024
Kavita

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