

2024:PHHC:159137



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

Sr. No.119

**CRM-M-59630-2024(O&M)
Date of decision : 29.11.2024**

Ramandeep

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 BNSS, 2023 for quashing the impugned order dated 12.08.2024 (Annexure P1) whereby the learned trial Court issued non-bailable warrants against the petitioner in case FIR No.67 dated 01.07.2022 under Sections 20(a), 61 & 85 of NDPS Act and Section 29 added later on, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the co-accused Maninder Singh was apprehended with 1 kg ganja and subsequently, on the disclosure statement of the co-accused, the petitioner has been nominated as an accused in this case. The petitioner was granted regular bail vide order dated 02.08.2022 (Annexure P2) passed by the learned trial Court and he was regularly appearing before the trial Court. On 12.08.2024, the petitioner could not appear before the trial Court, due to noting of a wrong date as 12.11.2024 and on account of the same, bail bonds forfeited and non-bailable warrants were issued. The petitioner is ready to

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appear before the trial Court and abide by all the terms and conditions imposed upon him by the trial Court.

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

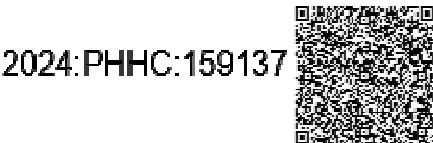
4. At asking of the Court, Mr. Vinay Kumar Malhotra, DAG, Punjab, accepts notice on behalf of respondent-State and has opposed the present petition and has submitted that the trial Court has correctly issued non-bailable warrants of arrest against the petitioner.

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

6. 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.

7. 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. 12.08.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is are ready to appear before the trial Court and face the trial.

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.



9. In view of the above, the present petition is allowed and order dated 12.08.2024 (Annexure P1) 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 a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court concerned on the next date i.e. 19.12.2024 and file appropriate application for bail along with receipt of payment of cost. The trial Court would release the petitioner on the same bail bonds/surety bonds. No coercive action would be taken against the petitioners till the next date. In case, the petitioner failed to appear before the trial Court on the next date 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

29.11.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No