



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

Sr. No.138

CRM-M-61661-2024

Date of decision : 09.12.2024

VINOD KUMAR

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohit Kakkar, Advocate for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the order dated 15.05.2024 (Annexure P-1) passed by the Learned Additional Sessions Judge, Sirsa, and all subsequent orders in the pending trial, bearing No. NDPS/381/2023 dated 02.12.2023, in case FIR No. 388 dated 30.06.2023, registered under Section 21(B) of the NDPS Act, 1985, at Police Station City Mandi Dabwali, District Sirsa, Haryana (Annexure P-2), vide which, the petitioner's bail was cancelled, bail bonds and surety bonds were forfeited, and a warrant of arrest was issued against the petitioner.

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. However, the petitioner was subsequently arrested in connection with another FIR, and due to the resulting trauma, he inadvertently forgot the next date of hearing and could not appear on 15.05.2024 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 learned trial Court and abide by all the terms and conditions as may be imposed upon him by the learned trial Court.

3. On advance notice, Mr. Anmol Malik, DAG, Haryana 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 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 learned trial Court. However due to trauma of being arrested, he could not appear before the learned trial Court on one date i.e. 15.05.2024 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 learned 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 i.e. 15.05.2024.



8. In view of the above, the present petition is allowed. Order dated 15.05.2024 (Annexure P-1) 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 two weeks from today.** The petitioner after depositing the cost as stated above would appear before the trial Court on 20.12.2024 and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on same bail bonds/surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner 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 petitioner.

(KIRTI SINGH)
JUDGE

09.12.2024
Kavita

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