

**CRM-M-62473-2024**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-62473-2024

Date of Decision : 17.12.2024

Robin Kumar @ Shavi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Gurpartap S. Bhullar, AAG Punjab

KIRTI SINGH, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 12.11.2024 (Annexure P-4) passed by learned Judge Special Court, Gurdaspur whereby non-bailable warrants were issued against the petitioner in case FIR No. 94 dated 26.05.2022 registered under Sections 21(B)/21/22/29/61/85 of NDPS Act at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner was granted regular bail by the learned Special Court, Gurdaspur vide order dated 10.06.2022 and he was appearing before the Court below on each and every date but on 12.11.2024, the petitioner could not appear as he noted the wrong date. Resultantly, non-bailable warrants have been issued against the petitioner. He also 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 them by the trial Court.

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4. At asking of the Court, Mr. Gurpartap S. Bhullar, AAG Punjab accepts notice on behalf of 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. 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. This Court finds that no useful purpose will be served by sending the petitioner in custody and now he is ready to join the proceedings.
8. In view of the above, the present petition is allowed and order dated 12.11.2024 (Annexure P-4) 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 two weeks. The petitioner after depositing the cost as stated above would appear before the trial Court on the date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on same bail bonds. No coercive action would be taken against the petitioner till the next date fixed by the learned trial Court. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

17.12.2024

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**(KIRTI SINGH)
JUDGE***Whether speaking/reasoned? Yes/No**Whether reportable? Yes/No*